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CATILINA
IN CLASSIC TRADITION

A Thesis

for the

Doctorate in Philosophy

by

MATHILDA ANNA KOEHLER, M. A.

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A Thesis for the Doctorate
submitted in partial fulfillment of the
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Gift
APR 3 1920

To

my Father and my Mother,

whose unfulfilled ambitions have ever

been an incentive to worthy achievement,

this thesis is dedicated ex pio animo.

It is with the deepest sense of indebtedness to the wonderful inspiration and noble ideals, emanating from the scholarship and personality of

Ernest G. Sihler, Ph. D., Litt. D.,

Professor of the Latin Language and Literature

at New York University,

that I would herewith tender to him public expression of my recognition, appreciation, and gain, of those invaluable assets.

CATILINA IN CLASSIC TRADITION

An historical review of the ancient reports, chief among which were those of M. Tullius Cicero, Quintus Cicero, Sallust, Suetonius, Asconius, Plutarch, Dio Cassius, and Appian, with references to modern critical surveys, destructive and constructive, and a consideration of the problems incidental to Catilinarian matters.

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Catilina In Classic Tradition

I

Lucius Sergius Catilina, born about 108 B. C., was a member of one of the most ancient families of Rome; a descendant of that Sergestus mentioned in Vergil's Aeneid in connection with the boat race.[1] There was no older family than the Sergii in the city. Though patrician, the family had become impoverished.

Catilina had gained all the offices of the Roman Cursus Honorum—quaestorship, aedileship, and the praetorship 68 B. C., after which he had been allotted Africa for his province. Of his government as propraetor 67 B. C., we shall hear more. Being a patrician, he was not eligible as a Tribune of the Plebs.

Both Cicero[2] and Sallust,[3] who present the most detailed delineation of his character, agree that he was remarkable in many ways; he possessed wonderful powers of physical endurance and his mind was keen, but he exercised both to pervert and lead astray those with whom he came into contact, particularly influencing young boys whom he lured. He checked his good impulses, restraining whatever innate nobility he had inherited. That he possessed redeeming qualities which he did not permit to gain the ascendancy is portrayed in Cicero's Pro Caelio[4] where each evil tendency is balanced by a better trait. The Pro Caelio gives a much milder conception of Catiline than the Catilinarians do. The contrasts are those of vice and virtue. His versatility drew to himself the wicked, and by an apparent goodness he attracted honorable men. The antithesis in the speech is strong. "A man who would be all things to all men," Quintus Cicero[5] describes Catiline.

His was an indomitable spirit,[6] persistent in his attempts to gain his goal. His determination is evinced especially in the fact that although once prevented from standing for the consulate because he had been an unjust governor in Africa, and

[1]Verg. Aen., ancestry traced to ancient Troy.

[2]Cic. Cat. I, II, III, IV, chiefly, and his other works. Also Asconius Frag. In tog. cand., Clarendon Press.

[3]Sall. Cat.

[4]Cic. Pro Cael. C 4, 5, 6 (B. C. 56).

[5]In Cic. De Pet. Cons.

[6]Pro Mur. C. 24, 25.

[7]Cat. I 9, 10.

later meeting with defeat (repulsa) in his election contest with Cicero, he determined, nevertheless, to canvass again. This effort, too, proved unsuccessful. Therefore, to gain his point he resorted to hostile measures and intimacy with the vilest men.[7]

II

Catiline's career and reputation previous to the publicity achieved by his great conspiracy are recorded by various writers.[1]

One of the experiences, perhaps **the** experience in life, that had the greatest influence upon Catiline was his early apprenticeship under Sulla, 81 B. C.-80 B. C.

In the slaughterings of Roman Knights[2] he is first known in the oldest and earliest written record of Sulla we have. From his participation in them we gain, too, a glimpse of Sulla's times. The knights and all who had been purse-fillers[3] under Cinna were publicly posted on proscription lists after Sulla's victory, and with the bankers, whom as a class Sulla hated, without trial suffered decapitation by law of war. Every head was turned into the town house of Sulla and a secretary identified the head and took the name of the contributor. The slayer was entitled to a bounty of $2,000 per head.[4] It is claimed that Catiline personally brought in about ten heads; Cicero names at least three[5] not including Gratidianus. The loot was divided among the friends of Sulla.

In charge of the Gauls, who were either slaves or ex-slaves, engaged to kill the proscribed, Sulla had appointed an excellent supervisor, Lucius Sergius Catilina, whose murderous instincts were ever displayed, then and later. "Nam illis . . . Gallis"[6]—Gesner has even conjectured "demetebant" for "demebant"—i. e., who "mowed off" heads of bankers.

Perhaps the most horrible execution was that of Marius Gratidianus,[7] a clever politician highly esteemed by the people, who had twice been praetor under Cinna while Cinna dominated Italy and the West during Sulla's activities in the East, and before the latter's return. The head of Gratidianus had been severed from his body, and Catiline himself, with his own hands, had then carried it, still full of breath and living tissue, through the streets of the city, from the Janiculum to Sulla at the temple of Apollo.[8] Quintus Cicero in the De Petitione Consulatus says the "blood was dripping through his fingers.'"[9]

[1]Livy 88, Plut., In tog. cand., Cicero, Sallust, Quintus Cicero.
[2]Q. Cic. De Pet. Cons. C. 2, Ascon. In tog. cand. 80, Plut. Sulla, Plut. Cat., chiefly.
[3]In tog. cand. 80.
[4]Plut. Sulla, Plut. Cat. Min.
[5]In tog. cand. 75.
[6]De Pet. Cons. C. 2.

Cicero and his brother Quintus repeatedly refer to this cruel incident. These sights stirred up bitter feelings in Cicero, then 25 years old (in 82 B. C.-81 B. C.), for he and his brother Quintus saw these acts on the Forum and sorrowed over these proscriptions. The descriptions of Quintus are so vivid that there is probability that he saw many of these acts and drew from his stock of memories[10] of these observations. There was some blood connection between the grandfather of Cicero and this man; Quintus and Marcus Tullius therefore knew this case well, although Cicero mentions many others.

Everyone who had witnessed these exhibitions of Catiline's cruelty shuddered at their very remembrance of them whenever they saw Catiline.[11] On these memories were based the people's fear of Catiline as a second Sulla.[12] The reflection of the character of neither Sulla nor Catiline is very beautiful.

Sulla would pay double or triple money for that head of Marius Gratidianus, who was considered the prize of prizes, for he had been adopted by the great Marius and he was the only man of the name of Marius whom Sulla could reach; he decreed that the eyes of Gratidianus be plucked out, and his legs broken, and his hands cut off before being put to death. It was then that the young aristocrat made his first appearance upon the stage. It was a case of an "eye for an eye and a tooth for a tooth," for Catulus had been a victim of Marius; therefore this Marius Gratidianus was slain on the same spot.

Practically the same facts are related by Plutarch[13] in connection with another story of Catiline's cruelty. Lucius Sergius Catiline had been accused of many great offences, but among the worst, which was thought to exceed all other acts, was the decision, and the immediate fulfillmentof it, to put his brother[14] out of the way. Afraid of being prosecuted at law for that crime, he persuaded Sulla to enter his brother's name[15] on the list of those to be proscribed as though he were yet among the living. This request was granted, and as an appreciation of the favor and an immunity for himself, Catiline assassinated a certain Marcus Marius, belonging to the opposite faction. He then brought the head to Sulla in the forum, and going to a near-by vessel containing the Holy Water of Apollo.[16] he washed his hands.

[7]De Pet. Cons. C. 3, In tog. cand. 75, 78, 80. Seneca c. 1 writes of Marius "dignus erat Marius qui illa pateretur." Sihler Cic. of Arp. p. 41 n. 3.
In tog. cand. 75, De pet. cons.

[8]In tog. Cand. 80, 81. Asconius exact in detail in explanation to his sons clearly established which temple and its location, for a change had been made by Augustus.

[9]In tog. cand. 75, De Pet. cons. C. 3.

[10]This 18 years previous to his composition, (De Pet. cons. 65-64 B. C.), Quintus is usually a calm writer—no rhetorician—but here he is strong. C. 2, 3.

By proscription debtors settled accounts, or grasped the wealth of victims, as the price of their denunciations, and Sulla's favorites had a chance to graft by bidding for the properties of the unfortunates. It was for defense of a case from this period that Cicero won his first great renown as a patronus[17] and became one of the most famous in Rome; the foremost of his age.

In studying these events (81-80 B. C.) it is well to keep in mind that Mommsen and his school contend that Cicero later (65-63 B. C.) merely exaggerated the whole matter of repudiation of debt. But is not the germ of that future plague existent in these factors widely prevailing in 81-80 B. C.?

[11]Plut. Cic., Plut. Cat., Sall. Cat. C. 15, In tog. cand. 80.
[12]Cic. Cat. II, "If Sulla's time will come once more."
[13]Plut. Sull., Plut. Cic.
[14]Plut. Sull. According to De Petit. cons. C. 2, it was a brother-in-law, Caecilius.
[15]Vell. II, 28, 4. Oros. V, 21, "alios proscribebant."
[16]Plut. Sull. 31.
[17]Pro Roscio Amerino.

III

Catiline, as a youth, had set at defiance all law and religion and had committed many criminal offenses. In 73 B. C., Catiline was charged with an intrigue with a Vestal Virgin. A priestess of Vesta found guilty of "incestum," i. e., lost chastity, forfeited her life by state law; no other woman was so punished. The technical word, referring to the purity of the Vestal Virginis only, is "casta," chaste or virtuous. The conduct and chastity of the Vestals was of very particular importance. It is recorded that Crassus[1] had a kinswoman, a cousin, one of the aristocracy,[2] who was a Vestal Virgin and because Crassus, who dealt in real estate, called on her frequently at the Vestal Virgin house, in relation to her property outside of the city, which he wanted, her name finally came into question.

This trial of 73 B. C. is of especial interest because it involved Fabia,[3] the half-sister of Terentia, wife of Cicero; both women were of the aristocracy, although Cicero was not. When the suspicion of disgrace came upon Fabia, the Pontifices under the Pontifex Maximus held a trial, investigated the facts, clearly established her innocence, and gloriously acquitted her. Catiline was dangerous to any pure woman; any lady acquainted with him lost in reputation, simply because it was Catiline.

[1]Plut. Crass.
[2]Only women of the highest aristocracy could be chosen Vestals.

Sallust[4] mentions the intrigue with the Vestal but does not add a word about the investigation and non-conviction of the Vestal.

Asconius, on the other hand, who is authority for the facts of the trial, gives no intimation that Catiline stood trial, which he certainly must have, if he was the accused man.

This we learn from Orosius,[5] who establishes the trial as of 73 B. C. Marcus and Quintus Cicero both bring in this Fabian matter. Evidently Catiline committed adultery and the abominable act of besmirching the name of a maiden of the nobility, for we read "Cum deprehendebare in adulteriis . . ." and also "Dicitur Catilina adulterium commisisse cum ea quae ei postea socrus fuit, et ex eo natam stupro duxisse uxorem, cum filia eius esset. Hoc Lucceius quoque Catilinae obicit in oratonibus quas in eum scripsit," but Asconius says he had not discovered the names of the two women.[6] The case of the maiden is probably the one referred to by Sallust c. 15 and Plutarch. Sallust implies that he committed other flagrant indiscretions but does not specify[7] others.

[3]In tog. cand. 82, De Pet. Cons. C. 3.
[4]Sall. Cat. C. 15.
[5]Oros. VI, 3.
[6]In tog. cand. 82.
[7]Sall. Cat. C. 9-15 is not exact in narration of early crimes. Plut. Cic., Plut. Cat.

IV

The Minor Conspiracy, or so-called first conspiracy of Catiline, has quite as much matter to commend it to our serious thought as will the later great conspiracy. Some of the leading characters in this one will assume their same roles in the later one; the very underlying motive, though more disguised in the earlier one, becomes the gigantic peril in the later one; the same perverted forces will be directed against the government; and the same indifferent guards of the republic are present, until in the later attempt a vigilant consul rouses them from their lethargy.

The information, in regard to it, is to be had from various sources, and it looms upon the horizon as a very potential monster, whose foot-prints the wary hunter must ever track.

Suetonius[1] brings to light the fact that Caesar and Crassus had made a pact whereby they planned that at the inauguration of the consuls on January 1st, 65 B. C., they would have the Senate attacked, Crassus usurping the Dictatorship and

[1]Suet. Vit. J. Caes. 1, 9; of this complicity in a plot Sallust says nothing, cf. Cic. Phil. II. In tog. cand. 83, Sihler Caes. c. 9.
[2]In tog. cand. 74, 82.
[3]App. Bell. Civ. IV. 1.

naming Caesar, now about thirty-five years old, as Master of Horse.[2] Caesar was already somewhat conspicuous as a leader of the great party called Populares. At this time, however, the Senatorial Party was still the better organized. A brief, but rather necessary, description of Caesar at this period to throw light on later events might be interposed here; it is taken from Appian.[3] Caesar was still a young man, forceful in speech and deed, daring to a high degree, ambitious of all honors, and lavish beyond his means in their pursuit; thereby he incurred heavy debts, though he was very popular with the general public, who are ever wont to praise him who is generous with gifts.

The two hoped to gain the aforesaid advantages through P. Autronius Paetus[4] and P. Cornelius Sulla,[5] who had been consuls-elect for 65 B. C., but were, unfortunately, indicted on a charge of Ambitus,[6] brought by Torquatus and two of their colleagues. Since they were found guilty of paying their way into office, Torquatus, with another competitor, Cotta, entered office on Jan. 1st. 65 B. C.

It has also been said that Autronius and Sulla were financed by Crassus and Caesar, although Caesar needed much himself at this period; his career was very tortuous at this time. The deposed candidates were without hope, therefore, of replenishing empty coffers with the spoil of proconsular provinces. Conviction on the charge of Ambitus usually implied financial ruin. Both men were destitute and impoverished; in the case of Autronius it was especially true.

For this reason they might the more readily enter into a conspiracy[7] against citizens which would include their successful competitors, Cotta and Torquatus, the newly placed consuls, and during the riot they might assassinate them, seize the fasces and maneuver to obtain their provinces and so the money. Apparently Autronius was won over to such argument.

[4]Sall. Cat. XVIII, Cic. Pro Sull. V, XXIV, XXV, Cicero frequently names Autronius as a conspirator both in the lesser and greater attempts. He later defended Sulla charged with complicity in the great conspiracy, refusing the case of Autronius, who repeatedly requested Cicero to be his patronus; but Cicero believed him really guilty. Pro. Sull. C. 6.

[5]In tog. cand. 74. Crassus is named the originator of the plot. Livy c. C1, Pro Sull. c. 24 sqq.

[6]Under Lex Calpurnia de Ambitu of the year 67 B. C. imposing penalties for bribery: brought forward by C. Calpurnius Piso and directed against the buying of votes. Ambitus is an illegal process which came to be a defect or disease in the politics of that age; it came to mean electoral corruption. Few men in that period were elected without it; Cicero was one of the few. Lex Calpurnia was passed by the consuls themselves, says Dio, and stipulated expulsion forever from the senate, and from any office, and a fine to be imposed. v. In tog. cand. 79. The Lex Cornelia de Ambitu of Sulla's time (81-80 B. C.) had not been quite as severe as the one of 67 B. C. It merely expelled for 10 years. There was a regular court for Ambitus. v. Mommsen. Roemisches Strafrecht.

In union with Autronius[7] were to be Catiline and Gneius Piso,[9] a young patrician of most daring spirit, in need and discontented. His poverty and vicious principles urged him to countenance any disturbance. All these were splendid tools in the labor of undermining the foundations of the state! Piso was then to be sent with an army to take possession of the two Spains.[10]

Catiline had desired to be a candidate[11] for consul, but could not present himself as one within the legitimate number[12] of days, for he had a recent blot on his record; he was under indictment in the court Repetundarum for malversation as propraetor in Africa;[13] and for this reason he was ineligible in 66 B. C. for the consulate of 65 B. C. He was always on the "Qui vive" for riot, usurpation, murder, proscription, or any infamous act; unless he died or there was a revolution, his trial would surely come off in 65 B. C. He does not work into the program most prominently nor assume his largest and most important sphere until after this plot, which was scheduled for Jan. 1, 65 B. C., and which leaked out and was not carried out. It is recorded some, through remorse or fear, did not keep the date set for the slaughter. That the matter did not come to a head is bad for the historian; the time for it was most favorable, with the army far away, with Pompey warring in Pontus[14] and Armenia; thus there was no sufficient force at Rome to suppress a revolution. Surely the idea of a clever, far-sighted person. The concerted measures[15] of these men were discovered and defeated, due, as has been said, to the absence from his assigned post of one of the principals who was to give the impetus to the whole affair. This conspiracy of the unsuccessful candidates is given in a very few words by Livy.[16]

The execution of the design was then postponed[17] to February 5th, when the conspirators considered[18] the destruction, not only of consuls but of the senate also. On that date too there was a hitch in the operations. Catiline in front of the senate house was too premature in giving the signal to his associates, since all his armed fellow-conspirators had not yet gathered in numbers sufficient to warrant an attack. The lack

[7]Sall. Cat. XVIII, Pro Sull. C. 24.

[8]In tog., cand. 82, 83, Cic. Pro. Mur. C. 38, Sall. Cat. XVIII, Suet. J. Caes. C. 12. Dio does not relate.

[9]Pro Sull. C. 24, In tog. cand. 82, 83, Sall. Cat. XIX.

[10]Sall. Cat. XIX.

[11]In tog. cand. 80.

[12]Sall. Cat. XVIII.

[13]In tog. cand. 76.

[14]Plut. Cic., Florus IV. I, Sal. Cat. XVI.

[15]Sall. Cat. XVIII.

[16]Livy C1, Dio 36, 44.

of concerted effort defeated his purpose; otherwise there would have been executed the most atrocious outrage since the founding of the city. Fortunately the plot was never consummated. Horrible acts would have ensued if it had been! "Quod ni Catilina . . . eo die post conditam urbem Romam pessumum facinus . . ."[19]

Does not this whole transaction presage the danger which within three years threatened to overwhelm the commonwealth, and for preventing which Cicero suffered,[20] and for which heroism he has been abused by some ancient historians[21] and some more modern critics?[22]

The aristocracy let the whole matter pass by. Piso, the Catiline the second, the little Spanish dagger,[23] was afterwards sent as quaestor with praetorian authority to Spain, where he had a good chance to fill his pockets. According to Sallust, Crassus promoted this appointment because he knew him to be a bitter enemy to Gneius Pompey. The senate, too, were not unwilling to grant him the province, for they desired so infamous a man to be removed from the city. Some, too, thought he might be a foil against the power of Pompey, which was daily growing. On Piso's march to his province the provincials could not endure his cruel, unjust commands and harsh treatment, and he was finally murdered by cavalrymen, a Spanish native escort, once under Pompey. Some declared that these former faithful soldiers of Pompey attacked Piso with Pompey's approbation[24] and at his instigation, since they had never been known to commit such outrages and were usually patient under severe orders. Sallust, however, does not undertake to prove the assertions.

Plutarch[25] calls Catiline the leader in the conspiracy of January 65 B. C. and February 65 B. C.—not quite accurately, however—the real leaders were Crassus[26] and Caesar; they fathered the plan; they were the powers behind the movement; Catiline was only subsidiary at this time, although he got in deep in trouble. The only name which Plutarch saw in Tiro's account was that of Catiline because it was the only name Cicero cared to give out. Tiro could not mention the two members of the regency, for Cicero at the time Tiro was accumulating his notes for the biography was leaning on those dynasts for maintenance of life and property. However, "there were those[27] who were seeking to disturb the present

[17]Livy C1, In tog. cand. 83, Sall. Cat. XVIII, Mommsen.
[18]Sall. Cat. XVIII.
[19]Sal. Cat. XVIII.
[20]Cic. De Domo, In Piso., Ad Att., Phil. II, Pro Cael.
[21]Dio.
[22]Drumann, Mommsen, John, etc.
[23]In tog. cand. 83, Sall. Cat. XIX.
[24]In tog. cand. 83, Sall. Cat. XIX.

situation (i. e. period approximately between 67 B. C. and 62 B. C.) to incite[28] the dissatisfied to commotion for the sake of private benefits."

[25]Plut. Cic. c. 10.

[26]In tog. cand. 74, 82, Sall. Cat. XLVIII, XLIX.

[27]Suet. Vit. J. Caes. I, 12, Cic. Phil. II, Plut. Cic., Sihler Ann. of Caes. c. 9.

[28]Plut. Cic., Flor. IV, I, In tog. cand. 74, 82, Ad Att. I. 2, 65 B. C.

V

A further detail about that trial of Catiline for abuse of the provincials in Africa,[1] his assignment after his praetorship. Their ambassadors on the floor of the senate made many serious complaints[2] against him while he was yet in the province, concerning his outrageous conduct in office. When Catiline appeared, an investigation was already on regarding his government there; this in the consulship of Torquatus and Cotta.

Publius Clodius Pulcher brought forward these charges of Extortion (Repetundarum) (P. Clodio accusante . . .).[3] There is a question as to who was Catiline's counsel at that time. There are those who with Fenestella claim that Catiline was at this time defended on that charge by Cicero. They base their allegation that Cicero entertained the idea on his own words, "Hoc tempore Catilinam competitorem nostrum defendere cogitamus,"[4] at the time matters were actually in progress and Catiline was to come to trial, and that Cicero as much as agreed to be his patronus; also that he wrote, "Judices habemus, quos voluimus, summa accusatoris voluntate. Spero, si absolutus erit, conjunctiorem illum nobis fore in ratione petitionis; sin aliter acciderit, humaniter feremus."

It would appear as if the accuser (P. Clodius) had been in collusion[5] with Catiline and had had conferences as to what jurors should be admitted, i. e. he exercised his right of rejectio (challenging) against such jurors as were unfavorably disposed to the accused; such collusion with one's opponent was called "praevaricatio."

[1]In tog. cand. 76, 79.

[2]Pro. Cael. c. 4. Indicted in 66 B. C., trial in 65 B. C.

[3]In tog. cand. 76, Drumann v. V, uses this as a strong factor against Cicero. Incidentally it may be noted that this same youth, here on the offensive against Catilina, when later seeking vengeance from his enemy Cicero for his own supposed wrongs, takes the defensive in behalf of the conspirators, and has Cicero banished for executing Roman citizens uncondemned.

[4]Ad Att. I, 2, i, Pro Sull. Sec. 81, In Pro Cael. c. 6, Cicero says that at one time he did not even suspect Catiline. It would have been quite natural that he should now defend Catiline as he afterwards defended Fonteius. Cicero's way to distinction depended upon his achieving a great position at the bar, and it would have been very adverse to his ultimate chance of the consulship if he had now refused to undertake important cases. The time came when Cicero could pick and choose his briefs but it had not yet arrived.

[5]In tog. cand. 76, Ad Att. I, 2, letter of Aug. 65 B. C.

Cicero expresses a hope that if Catiline shall be acquitted that he shall be more closely associated with him in a general plan of candidacy. Those confessions of Cicero, while they do not warrant any admiration, would have made his act neither immoral nor unprofessional. However, Cicero abandoned the defence;[6] he thought better of it no doubt as a thing indefensible, and his better judgment made him drop it. This is put forward by the detractors of Cicero as proof that he was at this time making advances toward the popular party, but Catiline was not at this time regarded as the leader of the popular party, and if Cicero had defended him, he would have been doing nothing at all politically significant.

Asconius, who closely examined the records, greatly doubts, in fact, says he does not believe Fenestella's[7] assertion, since Cicero does not mention this prosecution of Clodius against Catiline, and his own defence of the case, although he might have used it to excite ill-will against a rival making an election pact against him; it is rendered especially clear by the fact that Cicero in the very same speech reproaches his other competitor, Antonius, with some slight services which he had done him in his candidature for the praetorship and some his benefits derived through his (Cicero's) kindness. In tog. cand. 76.

Asconius fights against the notion of Cicero having defended Catiline—"If he had defended Catiline, would he not have protected him?"—if it were only a short time ago that Cicero had been his patronus and had spoken in his defense. In tog. cand. 76.

The argument in the In Toga Candida throughout this section is splendid!

Is it then creditable that if Cicero had really defended Catiline he would have failed to twit him with the fact? Moreover, Asconius pins his belief on the fact, also, that Cicero, in attacking Clodius[8] later, refers to this case as he would not have, if he had been a party to it.

Another argument that contradicts Drumann's position that Cicero undertook the case is found in the De Petitione Consulatus[9] in which Quintus Cicero urges Marcus Cicero to read repeatedly (saepius legito) the court records of the case now over, for all praetorian court records could be read, and if Cicero had had the case and had heard all the affidavits, what need for him to have read them at all? Any one could take the case[10] but we are sure Cicero did not; it is not arguing from sense, says Asconius. If he had defended Catiline, could

[6]Was not Cicero engaged in the defense of Cornelius about this time? Asconius, Pro Corn., Sihler Cic. of Arp. p. 118.

[7]In tog. cand. 76. Fenestella, a Roman scholar, who flourished about 14 A. D.

[8]Cic. Harusp. Respons. Sec. 42.

[9]De Petit. Cons. c. 3.

he have said in the In Toga Candida, "Miserable man, not to see that by that verdict you were not acquitted but reserved for a more serious punishment?"[11] As a matter of fact, Cicero did not defend Catiline.

But Cicero bemoans the ineffectual[12] results of the trial—if such it can be called—for Catiline was acquitted—if acquittal it must be named—through smudge; although the senators found him guilty,—a fact which angered him the more at them and in his later designs loomed large,—the equites and tribuni aerarii acquitted him. "Nam judicium quoque secutum est repetundarum, quo ipse per infamiam liberatus est Catilina, sed ita ut senatorum urna damnaret, equitum et tribunorum absolveret."

Catiline was tried late in the summer of 65 B. C. when Cicero intended to go north to canvass for a consulship for the year 63 B. C. By paying an enormous sum of money to the prosecutor Clodius, Catiline induced Clodius to queer (praevaricare) or throw his own prosecution or defence, so as to lose it. The jurors, too, had to be bribed.[13] Some left the trial because no money was to be had. We can from these two incidents alone, conceive an idea of Catiline's gigantic need for money. He left that trial absolutely destitute—worse than a pauper—(egestas). He was reduced to poverty in the gratification of his ambition, but withal was courted by men and women of power and position.[14]

[10]Pro Sull. Sec. 81, In tog. cand. 76.

[11]In tog. cand. 77, 78.

[12]In tog. cand. 78, 80.

[13]In tog. cand. 80, De Harusp. Respons. Sec. 42.

[14]App. Bell. Civ. II, 2, In tog. cand. 74, Pro. Cael. c. 6. He had a charm to attract men.

VI

That the economic basis during these years was desperately[1] bad and this condition widespread is attested also by Sallust, who in this matter is probably free from rhetorical effect and assumptions and gives us the truth unadorned. His general description[2] does not refer to 63 B. C. only but likewise to a few years preceding. It was universal debt—mark it well—debt caused by unlimited indulgence, which was the root of this whole Catilinarian evil; debt, vast in Italy, and, Sallust emphasizes, in the whole world.

Scattered throughout Italy were Sulla's veterans who had squandered too lavishly their ill-gotten gains; with them combined the spendthrifts, whose funds were always "nil." All classes[3] who had the same motives and necessities banded together. It was then that Catiline resolved to overwhelm the state. Does not the defense of the view of Mommsen and his

school fall to the ground in the face of such facts—an argument which claims that the peril was not as great as Cicero portrays it?[1]

Cicero's own colleague in the consulship, Antonius, bid fair to membership in the insolvent class before his election. He was almost bankrupt and was liquidating himself, his affairs were so to speak in the sheriff's hands; matters were not yet adjusted; they were still in the process of settlement. Antonius was really very hard pressed for cash;[5] he hated his own shadow, fearful that it was someone requesting a payment. It was a terrible social disgrace if one were not able to meet one's financial obligations, no matter what the reason—whether due to vice, mismanagement, or misfortune. Antonius had once given out contracts[6] for race horses; it was not good form for a senator to do so, nevertheless. He had also driven a chariot in Sulla's triumph..

Moreover, bankruptcy and insolvency were a disqualification for office. A senator, too, who was impoverished, automatically dropped out of the senate or was eliminated by the censor. Therefore Antonius, who was bidding for the consulship, auctioned[7] off all his pastures in South Italy and parted with all his stock for a financial consideration, retaining only his slaves in order to have a following, should he ever require their aid in an uprising. Therefore, Macedon[8] in 62 B. C. promised to be a welcome province for the proconsul to rehabilitate his fortunes.

The agreement[9] had been made between the two consuls, Cicero and Antonius, probably before their entrance upon their duties at the first of the year 63 B. C., and at the former's suggestion, that the province, which by recourse to the lots,—by which assignment of proconsular provinces was usually determined,—had come to Cicero, would be resigned and Antonius might have[10] that lucrative one of Macedon. The role of Antonius in this pact was to preserve loyalty toward his colleague during their tenure of office that year (63 B. C.). In addition, on the day of his installation[11] as consul, Cicero renounced all claim, as proconsul, to any advantage or any province[12] whatever, although Gaul, which he had taken in exchange from Antonius, was most desirable and well equipped. The people objected to his not having his honor, but he thought it advantageous to the republic at that time not to accept the proconsulate.

It is absolutely incorrect[13] to say Cicero wished to stay in Rome because of his law practice. Dio does not give credit

[1]Suet. Vit. J. Caes., Sall. Cat. XVI.
[2]Cat. I, 31, Flor. III, 12.
[3]Pro Mur. c. 25, Sall. Cat. XVII, In Piso. c. 2.
[4]Cic. Cat. II, Sall. Cat. XVII.
[5]De Petit. Cons. c. 2.
[6]In tog. cand. 79, 83.

to Cicero's nobler motive at all. Dio seemingly does not care if he has facts upon which to base or not in assigning a motive. He pragmatizes.

Cicero tells us that by patience and calm conduct he won[14] over his colleague, eager for a province, and harboring[15] many thoughts injurious to the state. Throughout their year of administration the negative character of Antonius was subservient to the stronger one near him. Cicero was virtually the head of that government during that term; Antonius seems not to have presided.

[7]In tog. cand. 78.
[8]Plut. Cic. c. 12, Sall. Cat. XXVI.
[9]In Piso. c. 2.
[10]In Piso. c. 2, 25. Yr.63 B. C. Sall. Cat. XXVI.
[11]De leg. agrar. I, 25, 26.
[12]In Piso. c. 2.
[13]Dio 33.
[14]In Piso. c. 2, Pro Cael. 31, Sall. Cat. XXII, XXVI.
[15]Pro Cael. c. 31.

VII

Catiline sued for the consulship in 64 B. C. The consulate in his design was merely a stepping stone,[1] an expectation to go forward to autocratic power; he was desirous of procuring a strong position to carry on his designs. He wished to be a second[2] Sulla with this difference; we read nowhere that Catiline had imputed to him any motive for gaining the supreme office in Rome—whether by fair means or foul—except that ever present one of freeing himself and his associates from debt and enriching all. Sulla at least made some improvements;[3] Catiline entertained no policy of reform. He intended to use his office for a general upheaval. The majority of honorable citizens appreciated this, for Rome was in a dangerous condition, ripe for change.[4] The seething mass of discontented were inclined for any eruption. They were dissatisfied at the unequal distribution of wealth and property; or, if of a higher social rank, had impoverished themselves through magnificent display. It needed only a slight tremor to put all into motion; any recklessly venturesome person might easily accomplish such purpose.

Catiline confidently expected to be elected[5] and had great hopes of being appointed with Gaius Antonius[6] as his colleague. The suspicion of his ulterior purposes caused his defeat and really elected[7] Cicero, whom the people readily received although he was descended from a father of the equestrian and not of the senatorial order. The chiefs of the state had always thwarted Catiline's every move to present himself, even as in 66 B. C. The senatorial party had deprived[8]

him of a magistrate's dignity as a result of his guilt in the trial Repetundarum. The knights held against him his participation in the Sullan proscriptions The plebs always looked upon him with a shudder for his cruelties. Every class was against him. Why his boldness to stand for office? He relied upon his aristocratic birth to win him his object.

[1]Plut. Cic. c. XI.

[2]Cat. II, c. 9, etc. App. Bell. Civ. II. 2.

[3]Especially court reforms.

[4]Plut. Cic. c. XI.

[5]Pro Mur. c. 23, 24, 25, App. Bell. Civ., Plut. Cic. XI, In tog. cand. 79, Sall. Cat. XXVI.

[6]"A man able to lead neither in a good cause nor a bad one but a valuable addition to another's power." Plut. Cic. Also In tog. cand. Argum., 74.

[7]In tog. cand. 84, Plut. Cic. c. XI.

[8]In tog cand. 80.

VIII

Election by bribery,[1] always bad, was daily increasing and becoming so irksome that Cicero brought forward a proposal[2] to make sharper the punishment therefor.

Probably urged by Crassus[3] and Caesar, both later of the triumvirate, Q. Mucius Orestinus tr. pl. (tribunus plebis) vetoed this bill to increase the penalty for violation of the law of Ambitus, and the veto of this measure carried. It was then that Cicero inveighed (In Toga Candida) against Antonius and Catiline, the chief offenders, for their coalition to keep him out of the consulship. He also charged that Crassus was the originator[4] of the scheme to keep him out of the election. Cicero knew a few days before the election who were the big factors opposed to him, namely Crassus, the richest man in Rome, the greatest financier of his day, seeking to make himself influential; and Caesar, head of the populares. Antonius and Catiline were financilly set up by these two politicians. Cicero tells us that his two chief rivals in connection with their union of purpose had intimacy with men prominent[5] in public life. The two candidates with their main adherents had met a few days before (the Comitia of 64 B. C. were to be held in a very few days) at the home of either Crassus or Caesar; these two powerful men so keen for Cicero's defeat were bitterly opposed to him because they observed he was daily growing in influence and if he gained

[1]In tog. cand. 74, 79.

[2]Lex Tullia de Ambitu adding 10 years exile to previous law (Lex Calpurnia). Dio credits the added severity to the law of Ambitus as the reason for the conspiracy (37, 29). Sall. Cat. c. 15 assigns another reason for the inception of that plot.

[3]In tog. cand. 74.

[4]In tog. cand. 74.

[5]Plut. Cic. II, In tog. cand. 74.

the highest position they realized a man so eloquent could block anything. They therefore aided and abetted his opponents.

From this speech, spontaneous as was the first oration against Catiline later, we glean data on the former lives of Antonius and Catiline. The views of Catiline, who is far ahead in importance in crime, are more numerous, about four to one of Antonius; none are particularly pleasing pictures.

If we were to confine ourselves to only the In Toga Candida of Marcus Tullius Cicero and the De Petitione Consulatus by Quintus Cicero, we would still have abundance of material to form a basis for a conception of the dangers of the age. There is some grain of truth in the matter there given.

It is Cicero's conception that if Antonius and Catiline were elected it would place two assassins (duas sicas[6]—two daggers) into the consular chairs for there were really only three candidates[7] worthy of mention. But Catiline and Antonius needed the office badly for the benefit of the provinces which came later. This speech (In Tog. Cand.) called forth a most bitter attack upon Cicero by both Catiline and Antonius, who in their rejoinder scoffed at his "Novitas," i. e. his prominence gained through his own efforts without the backing of an aristocratic pedigree, an "upstart" so to speak. Another term of contumely which they hurled at him was "Inquilinus," i. e. man who is a renter (Sall. XXXI), or transferred meaning. "A man who was not born in Rome." All this invective did not prevent the "Homo Novus"[8] from being unanimously elected consul, with his colleague Antonius winning over Catiline by only a few votes.[9] It may be added that the "obscure renter" became possessor of several villas ere his untimely death closed a most varied and interesting career.

[6]In tog. cand. 83.

[7]The others were practically out of the running. In tog. cand. Argum. ". . . . hi quattuor jacebant."

[8]Man without ancestry. Sall. Cat. XXIV.

[9]In tog. cand. 84. Declared first consul by all. In Pis. c. 1.

IX

Here must be introduced Catiline's trial for murder committed during Sulla's regime.[1] At the time of the election Catiline had not yet been brought before the court. After the Comitia of 64 B. C. had declared him unsuccessful he was brought before the special court 'Inter Sicarios' (murder cases) as defendant against the charge of L. Lucceius,[2] later a consul.

The judge of this special court,[3] which passed decision on the murder cases under Sulla, was Caesar. He presided as Quaesitor Extraordinarius; he was not yet praetor. Notice

should be taken how inconsistent and unfair Caesar was in dealing with the different criminals.

Cicero says that L. Luscius, a centurion, who was enriched by the Sullan harvest, was condemned before this commission for killing proscribed citizens, as were other executioners under Sulla, but that Catiline, the most infamous, and guilty of the same charge, was acquitted not much later. Even an uncle of Catiline, Bellienus[4] by name, is said to have been condemned about this same time. This inconsistency brings to mind also the "Bona Dea" episode of 62 B. C., after which Caesar's wife[5] was punished at his instigation, but Clodius acquitted.

This acquittal[6] of Catiline means much; it was probably the important step in the series which led to the great climax. This decision of Caesar that Catiline was "Not guilty" is an important chapter in the story. If Catiline had been found "Guilty," Cicero's consulship would have been calm, for Catiline would not have run for the consulship for 62 B. C.; he would not have been wiped off the board, he simply would not ever have had a place on it. But Caesar and Crassus had use for Catiline.[7]

[1]Dio 37, 10. In tog. cand. 75, 80.

[2]v. c. III of this dissertation; In tog. cand. 81.

[3]In tog. cand. All the other courts were full; therefore the organization of this special one.

[4]In tog. cand. 81.

[5]Caesar divorced his wife after this scandal, for according to himself, even though she were guiltless, no *taint* of shame must smirch Caesar's name.

[6]In tog. cand. 81, also c. II of this thesis.

[7]In tog. cand. 74, also Mommsen.

X

Certain preludes to the Catilinarian affair met Cicero's consulate. What we know is found in Dio Cassius 37, 27, who obtained his material from Livy. Cicero's induction into his consulship was immediately followed by many preliminary troubles, which for the time, effaced Catiline as chief object of attention, although his aspirations were not yet generally known.

One of the most important preludes was the problem of the rehabilitation of the sons of those proscribed in 81 B. C., when fathers were exiled, their fortunes lost, but worse fate, their sons also disfranchised,—this was most cruel of Sulla. This considerable number of those disqualified by the laws of Sulla from holding public offices, now began to present themselves as candidates. By their demagogical methods they tended to excite the populace by their just, although untimely, censure of Sulla's tyranny, and caused turbulent disorder in the government.

A colleague of Rullus proposed a special law to re-instate these. From Cicero's opposition[1] to this bill we gain a conception of the unrest of the times; for Cicero had the idea that it was not a good season when any matter that was settled should become unsettled. Such then was Cicero's view of the social discontent; Cicero feared an uprising; therefore he desired as little else of disturbance. The change[2] in government instituted by Sulla which at first seemed without reason had in time and by usage come to be considered by the people as no unsatisfactory settlement.

Also, Rullus himself, the other tribune, proposed a measure appointing a commission of ten with unlimited authority, who should be vested with power to sell all public lands of Italy and in all provinces, even in Syria and Pompey's newly conquered domains; they were really to establish a rule of autocratic power. Plutarch says they were too to pass judgment upon and banish whom they pleased; they were to establish colonies; have free access to the treasury; levy and pay whatever soldiery was deemed essential. These last provisions were probably not in the law or Cicero would not have forgotten to mention them in his speech[3] in opposition to that law. Several of the nobility favored this bill but especially Antonius, the colleague of Cicero, who hoped to be one of the ten. The nobles distrusted him particularly because they thought him cognizant of, and favorable to, the designs of Catiline, because of his (Antonius') heavy indebtedness. However Plutarch is probably again incorrect on this point for Cicero and Antonius had made their pact concerning proconsular provinces ere this; therefore there is doubt concerning Plutarch's statement that Antonius worked for the law and then received pay. Moreover, he has been telling of events of 63 B. C. and then jumps back to the spring or summer of 64 B. C. when Antonius because of his debts was not ill-pleased to be assured of a rich province (Macedon) at the expiration of his consulship. Dio, too, is not exact; Antonius did not co-operate during this year. Early in the year he and Cicero had settled the choice of provinces for their proconsular year, and Antonius was now no longer a factor.[4]

[1]One of the lost speeches. De Proscript. Liberis.
[2]Plut. Cic. c. XI, Flor. IV, 1.
[3]De Leg. agrar.
[4]Plut. Cic. XII, Sal. Cat. XXVI.

XI

Catiline is described in Appian[1] as a person of importance, of great celebrity, and high birth, but a mad man—'émplektos —a felicitous adjective, historians think, meaning recklessness approaching insanity.

The enormity of his acts bears out such descriptions. He hesitated at no crime when his desire was to be satisfied, even though it included murder in his own home. He was finally seized with a passion for Aurelia Orestilla,[2] whose reputation was such that no good man at any time commended anything but her beauty. Because she had a dread of having a grown up step-son, she was unwilling to marry Catiline, who it is confidently believed therefore cleared his house for his marriage by putting to death his own son. Sallust however gives no proof of this atrocity; he assumes it is true, and assigns the crime in his belief as the chief reason for pushing forward the conspiracy, because his guilty mind gave him no rest: which Sallust deduces from the fact that his complexion, expression, and mien were not those of one whose conscience was free from crime. Sallust, copying from Cicero, inserts this description in the incorrect place.[3]

However, did he have a conscience after his Sullan exploits? His training as the ward, friend, and zealous partisan of Sulla,[4] as one who brought in heads for a stipulated sum, well fitted him to commit such murder, however weak his motive.

Long[5] characterizes Sallust's assumptions as based on no proof, sometimes displaying his incapacity to do what he had undertaken—i. e. as a contemporary writer to record a history of what he considered a memorable attempt to force a revolution.

That one who was a patrician and descended from a most ancient family should engage[6] in so notorious a design may seem strange, but is really of small consideration, for behold the old Roman names that follow in his wake: Sullae, Curii, Porcii, Cethegi, Antonii, Varguntei, Longini, all names of illustrious men, former ornaments of the senate, but now representing accomplices in a nefarious undertaking.[7] Nor must Lentulus[8] be omitted, from whom, and some say also from the consul,[9] he had the heartiest co-operation[10] in Rome. Lentulus, because of his vile life, had been expelled from the senate, 70 B. C., and had now been elected praetor[11] that he might again gain senatorial rank.

All these members of senatorial and equestrian orders, Catiline had as supporters in his horrid attempt.[12] Joined with these aristocrats were some of the lowest characters[13] in Rome, and those always eager for a revolution, besides some colonists, to whom he held forth the promises of cancellation of debts, re-assignments of land, and all else by which he could best attract them. As a pledge to unite them in the plot, he

[1]App. Bell Civ. II, 2. All the codices say Gaius Catilina. The Latin version of Candidus says Lucius.

[2]Sall. Cat. c. XV, App. Bell. Civ. II, 1, Cic. Cat. I, Sec. 17.

[3]Pro Mur. c. 24, Sall. Cat. c. XV, App. Bell. Civ. II, 1.

[4]App. Bell. Civ. II, 2, Plut. Sull., In tog. cand. 75, 78, De Pet. Cons. c. 2.

[5]Long, G. L., Decline of the Rom. Repub., Sal. Cat. c. XV.

obliged the most prominent and most powerful[14]—among whom Antonius, the consul, was incorrectly included by some historians, to take an oath in an unholy manner. Florus[15] records human blood was introduced, which they drank. Dio[16] goes further, and worse, and says that a boy was sacrificed, and the oath of allegiance administered by Catiline, who in company with his companions then tasted of the flesh.

All these abandoned[17] citizens got together in clandestine meetings and prepared most miserable ruin for the country.

Once more it seemed an opportune time for an outbreak since Pompey was still in the east, remote from Rome, and in Italy there was no sufficient army; again the senate was exercising no special vigilance. The senatorial body, the city, the treasury, the consulate, the government, all objects for future destruction or plunder or subjugation seemed in prime condition for this direful undertaking. There seemed no weak link in the chain. But they reckoned without just one factor. stronger than they,—the vigilance of a faithful custodian of the government who detected their later notorious crime.

[6]Florus IV, 1.
[7]Sall. adds Caes. & Crass., Flor. IV, 1, Cat. I, Vell. II, 34.
[8]Pro Sull. c. 11, c. 19, Ad Att. 2, 1, 3, Dio 30, 29.
[9]Pro Cael. c. 31, Sall. Cat. XXII, XXVI, In Pis. c. 2.
[10]Dio 30, 29.
[11]Cat., Sall. Cat. makes Lentulus of consular rank. A mistake; he never was consul.
[12]Flor. IV, 1, Vell. II, 34, 35.
[13]Dio 30, 29.
[14]In Dio 37-29, In Piso. c. 2—Pro Cael. c. 31, Sall. Cat. XXII, XXVI.
[15]Flor. IV, 1.
[16]Dio 30-29.
[17]Pro Sull. c. 11.

XII

Although Catiline had escaped the attention of the general public because of the interest in the problems of the earlier period of Cicero's consulship, Cicero nevertheless from the first day that he, as highest official in the government, had the authority to use public funds for state business, engaged Fulvia,[1] the mistress of Quintus Curius, to report to him all information relative to Catiline's moves which she drew out of Curius, a well-known gambler,[2] and one of Catiline's coterie. These designs while still secret were thus communicated to Cicero. This Fulvia kept her counsel from her lover concerning Cicero's interest in the news of the meetings which Curius attended and the projects there discussed. It was she who revealed the atrocious project, for she was unwilling to be guilty of treason.[3] Both Fulvia and Curius profited by the money paid to Fulvia as a detective for the state. Curius

had a certain eminence among those of the decadents of that period. He later turned state's evidence[4] in the trial and was one of the informers against Caesar, when the personnel of the body of the conspirators was under discussion and investigation.

Dio[5] would have us believe that Cicero had quite a number of detectives investigating. That is inaccurate; he had Fulvia and her lover who acquainted him with Catiline's designs, whether of personal attacks or governmental disorders. It is only later that the Allobroges[6] figure as informers.

Through his informant, plots were disclosed to Cicero which endangered all. Therefore on October 21st, the senate assembled to confer, and in Catiline's presence the plots were exposed. The senate then charged the consuls to deliberate for the welfare of the state, clothing them with the power to use martial law,[7] the maximum power allowed a magistrate.

Catiline had been retained under private arrest at the home of Metellus, but managed to send notice to his associates to meet at Laeca's home, and he escaped Metellus' vigilance and went to the meeting.

Meanwhile the Manlian camp at Faesulae in Etruria had already been established, armed against the republic. Catiline, during the night between Nov. 6-7th, met his partisans at the home of M. Laeca, as has been said; there leaders were chosen, work assigned, and agents appointed to slay Cicero, who, forewarned, refused them admittance next morning.[8] Pro. Sull. c. 18.

[1]Cat. I, 4, Sall. Cat. XXIII. Curius had been promising Fulvia wonderful possessions, vainly boasting that he would soon be in a position of great power. Thus leaked out hints of the conspiracy on foot. Not *many* informers as Dio pragmatizes 37, 33, App. Bell. Civ. II, Sall. Cat. XXVI, XXVIII.

[2]In tog. cand. 83, 84.

[3]Sall. Cat. XXIII and Plut. Cic. call her a lady of nobility. Florus IV-1 calls her a low creature.

[4]App. Bell. Civ., v. also c. XVII, & XIX of this thesis.

[5]Dio 37, 33.

[6]Cat. III, Sall. Cat. XLIV.

[7]Sall. Cat. XXIX.

[8]Sall. Cat. XXIII, Cic. Cat. I, 4, Cat. I, 10, names Vargunteius (a senator) and C. Cornelius (a knight); Sall. Cat. reports the same; App. Bell. Civ. II, 3, designates the assassins to be as Lentulus and Cethegus when Catiline has departed. Plut. XVI records Cethegus and Marcius; see Schwartz-Hermes.

XIII

On Nov. 8th, the senatorial assembly, for greater protection, met in the temple of Jupiter Stator, where was delivered that extemporaneous, scathing denunciation of Catiline upon his bold appearance at that meeting, contrary to all expectation. Cicero's spirit was aroused at his effrontery. A resumé of the Catilinarian I follows:[1]

Cicero harangues Catiline severely; mentions the fate of previous revolutionists; and bemoans[2] the remissness of the consuls of his own consulship, namely Antonius and himself. Cicero then states his reasons for his leniency up to this date and makes it plain to Catiline that he is fully aware of his movements, since he has received full information to that effect.[3] He urges Catiline to leave the city at once and join Manlius,[4] for he has incurred the hatred of all citizens because of his career of crime. In a speech spoken in 55 B. C., Cicero, in referring to this period of his career, says, "I bade Catiline . . . planning to leave the city, to go, in order that we could be safe."[5]

In Cat. I, 7, Cicero expresses the sentiments of Catiline's fellow members of the senate toward Catiline, and the verdict of the state. He then discusses Catiline's own proposal to place himself in custody,[6] and the very evident judgment of the senate concerning him.

Cicero realizes the uselessness of pleading with Catiline for a change of conduct and narrates some details of the low life to which Catiline, a member of a patrician family, has fallen.

Cicero has thus far shown forebearance because he desired all citizens to be convinced of the nature of the conspiracy, for only then would the state realize the necessity for defeating not only Catiline but the whole conspiracy,[7] and cease to be inactive.

In the peroration of the first oration, Cicero's speech is in reality a noble prayer to Jupiter to protect his people. This touch shows one of the orator's realizations of the fitness of things, for the meeting is held in the temple and so Cicero turns to the simulacrum, away from the culprit. All are swayed by this splendid appeal, the prayer to the tutelar deity. There's dignity, there's majesty in his words!

[1]Dio gives none of this. Cicero's speech written and published later. Cat. I, furious and threatening in tone, is a document of events. v. also Pro Sull. c. 18, 19.

[2]Cat. I, 1.

[3]Cat. 1, 3, 4, Sall. Cat. XXIII. Florus says that Catiline left threatening general ruin to all.

[4]Cat. I, 5.

[5]In Piso. c. 2.

[6]Catiline had offered himself to Cicero as a house prisoner, but Cicero refused to harbor him; he then went to the house of the Praetor, Q. Metellus, in order not to be suspected; from there to M. Metellus. Cat. I, c. 8.

[7]Cat. I, 11, 12.

XIV

When Catiline attempted to answer the charges made against him by Cicero the senate would not give him the floor and instead called him a traitor and other names indicative of the crimes in which he had participated. Catiline then threatened to head the leaderless mob.[1]

He rushed from the temple and during the night following Cicero's delivery of his eloquent and indignant address to Catiline, the latter left Rome, ostensibly into exile at Marseilles, in reality to join Manlius in his camp at Faesulae, intending to advance under arms against the city. Never was Catiline to see his native city again.

On the following day, November 9th, Cicero assembled the people in the forum to relate all that had taken place in the senate. He pointed out to them the advantage it was to the republic that Catiline had gone; that they need feel no fear from Catiline's forces; he would watch. He urged those confederates in crime still in the city to become normal citizens and assured them of the vengeance of the law if they persisted in their hostile intention.

Catiline had departed from Rome and Cicero was very happy, though he felt certain that now an open conflict between citizens and conspirators was probable.[3]

Cicero states his reasons[4] for allowing Catiline to depart from the city. He did not immediately arrest and execute him because there are citizens who really doubt the existence of a conspiracy, and these must be convinced by proof, and Cicero, we learn, did his best to obtain all necessary evidence;[5] and moreover, there are many men who sympathize in Catiline's movement.

Cicero's greatest regret is that Catiline did not take all his confederates with him because the actual danger arises from those still in the city.[6] There are however some advantages accruing from Catiline's withdrawal because Catiline is a leader in all crimes and furnishes a rendezvous for all dissolute and abandoned men who have become his supporters and so not tolerable to those interested in the preservation and welfare of the commonwealth. Catiline is intimate with all classes of people.[7] Again Cicero begs the citizens to be alive to the exigencies of the hour.

In the speech in the senate on November 8th, 65 B. C., the day previous to the address to the Roman people (Nov. 9th, B. C.), strong suggestions were made to Catiline that he leave the city immediately. Since Cicero voiced the sentiment of the senate in this request, the statement has been made that it was Cicero who drove Catiline into exile. Cicero states[8] that Catiline was not banished by the consul but voluntarily left after that meeting of Nov. 8th. Cicero feels the criticisms from all sides and realizes the difficulties of his position but is content provided the state remains intact. His allusion

[1]Pro Mur. c. 25.
[2]Sall. Cat. XXVI. Pro Sull. c. 19, Cat. II. c. 6, 7, 9.
[3]Cat. II. 1.
[4]Cat II. 2, etc.
[5]Sall. Cat. XXIII.

is to the unsuccessful attempt of Catiline's men to assassinate him at his own home a few days previous.[9]

Among the men who are Catiline's adherents are the wealthy farmers whose estates have been mortgaged; the debtors to whom cancellation of their debts was promised by Catiline (novas tabulas);[10] the former veterans of Sulla's army who had squandered their apportionment received upon their return with him;[11] the men who have been declared bankrupt and whose financial status is hopeless; the criminals guilty of the various capital crimes; and lastly that class composed of Catiline's own particular and boon companions in vice and debauchery. Cicero had hopes of reforming all classes but the last; these he considered beyond redemption.[12]

The outcome of the struggle with the conspirators, Cicero feels, is not doubtful, but constant vigilance is necessary because of the friends of the conspiracy in the city who must expect no quarter nor favor.[13] Cicero assures the people that if the gods are propitious the existing situation will soon be quietly settled, for he hopes to crush the efforts toward revolution without recourse to arms.[14]

In Livy CII, year 688 B. C. (64 B. C.) we read that Catiline having been twice defeated in his efforts to obtain the consulship, formed a conspiracy with Lentulus, Cethegus, and others. Their aim was to destroy the consul, and the senate, to set the city afire, and to seize the commonwealth. In B. C. 63, this conspiracy was discovered and frustrated by the efforts of the consul.

The brief statement in the preserved contents to Livy Bk. CII informs us that Catiline in A. U. C. 689 (63 B. C.) was driven out of Rome and raised an army in Etruria; the other conspirators were punished with death.

Paterculus too is brief, merely recording that Catiline was compelled through fear of extraordinary powers (S. C. U.),[15] conferred on the consuls, to flee from the city.

He was confronted with his evil purposes by Cicero, whereupon he fled from the city, says Plutarch (Cat.).

He was actuated[16] by an idea to change the existing conditions and also to arouse the entire empire and throw everything into turmoil. He was forced to flee before the proofs against him were complete; before all his ultimate purposes were uncovered.

[6]Cat. II, c. 3, 12.

[7]Cat. II, c. 4, 5, Pro Cael. c. 5, 6.

[8]Cat. II, c. 6, 7, 9, Pro Sull. c. 5. In Pis. c. 5, Cat. III, 2, Sall. Cat. XXXII, XXXIV, XXXVI.

[9]Cat. I, 4, Sall. Cat. XXVII, XXVIII, Pro Sull. c. 18.

[10]Sall. Cat. XXI, Cat. I, c. 8, 9, 10.

[11]Sall. Cat. XXI, XXVIII.

[12]Cat. II, c. 10, Sec. 22, 23.

[13]Cat. II, c. 3, 12.

[14]Cat. II, c. 13, v. later results c. XVII this thesis.

Catiline plotted a wicked and general upheaval[17] of the Roman state by sedition and open warfare.

Lentulus[18] and Cethegus remained with several others to continue the work. They found fault with Catiline as one who lacked courage and was cowardly and weak in his schemes. They determined to set the city on fire and to overthrow the government, to rouse the nations to revolt, and to urge foreign wars. This plan too was discovered by Cicero, as has been told in the life of Cicero by the same author (Plutarch).

Of greater length is the account of of Appian.[19] Catiline departed to join Manlius, with the intention of enlisting additional forces and of invading the city while it was afire. As though he were already a consul, he journeyed to Manlius with rods and axes[20] borne before him.

At the time[21] the conspiracy was at its height,[22] Catiline was appointed in the camp to manage the destruction of the republic.

He had been allowed to depart[23] out of the city—he whom Cicero says should never have left it alive;[24] to him Autronius had sent arms, trumpets, bugles, scythes,[25] standards and legions.

Catiline's chief support[26] and leader of veterans at Faesulae, was Manlius,[27] a man most experienced in military affairs, since he had served with distinction as a centurion under Sulla, and a spendthrift of repute. What he had reaped under Sulla's generous provision for plunder—immense sum though it had been—was already spent in corrupt practices, and he was keen for further adventure.

As soon as information[28] was received of Catiline's arrival at Faesulae, the further plan for those in the city was for Lentulus and Cethegus, his accomplices, to call early in the morning at the home of Cicero, and while in conversation with him, slay him with the daggers which they would carry concealed.

[15]Senatus consultum ultimum invested the consuls with power to use martial law; it was without doubt assigned the consuls on Oct. 21, 63 B. C.; one of the absolutely certain dates; a bed rock of chronology.

[16]Plut. Caes.—Plut. Cat.

[17]Plut. Cat. III.

[18]Plut. Caes. and Cat., Sall. Cat. XXXII.

[19]App. Bell. Civ.

[20]Sall. Cat. XXXVI. Not quite correct in Appian.

[21]Pro Sull. c. 19.

[22]Pro Sull. c. 11.

[23]Pro Sull. c. 5, Cat. II.

[24]Pro Mur. c. 25.

[25]There are commentators who propose *fasces* instead of falces here, which is probably the sense of the thought.

[26]Dio 37, 29.

[27]The Greek reads Mallios, in Appian, Plutarch, Dio, v. Cat. I c. 4, Pro Sull. c. 18.

[28]App. Bell. Civ. Sall. Cat. XXVII, XXVIII, XXXII.

Lucius Bestia,[29] the tribune, was at once to assemble the people and accuse Cicero of timidity and inciting the people to warfare, and of causing unnecessary disturbance in the city.

The night following Bestia's address to the people the city was to be set on fire by others in twelve places, according to Appian; there was to be general plundering and assassination of the leading citizens.

Cassius[30] was appointed to superintend the conflagration; Cethegus, the massacre; and Autronius had allotted to him the task of occupying Italy.

Thus schemed[31] Lentulus, Cethegus, Statilius, and Cassius, the leaders in the plot, and they awaited the appointed time. Lentulus,[32] after Catiline went to Etruria, promised himself the royal supremacy, prophesied for his family in the Sibylline books; he distributed throughout the city in readiness for the day appointed by Catiline, men, combustibles, and weapons.

During the course of these preparations, information reached Cicero; first, of events occurring in the city by means of some letters,[33] sent anonymously, which were given to Crassus and some other influential men. A decree was passed that a state of disorder existed and that search should be made for the agitators. Next came the news from Etruria whereupon the senate voted also to the consuls the guardianship of the city and its interests.

After his second defeat at the polls Catiline prepared then for his attack, engaging lost men in his cause, and no longer directing his aims secretly, nor against Cicero and his constituents only but against the whole state. Cicero too would make us think that it was not a personal[34] matter between himself and Catiline, but the enmity was against him (Cicero) as chief representative, and an honorable one, watchful of the state's interests just as it was against any mn officially protecting the constitutional rights of the republic. Cato, too, scrupulous and just upholder of the laws of the city, was as much subject to attack as the consul. "Neque isti me meo nomine interficere sed vigilantem consulem . . . volunt; nec minus vellent, Cato, te . . . tollere." This at the time of the conflict. Later (19 years) he renders the same version of the struggle, i. e. that it was all a question of the cancellation of debts. In this retrospect he does not even mention Catiline. "Numquam vehementius actum est quam me consule sule (63 B. C.), ne solveretur; armis et castris temptata res est ab omni genere hominum et ordine, quibus ita restiti, ut

[29]App. Bell. Civ.

[30]Pro Sull. c. 19, v. also c. 5.

[31]App. Bell. Civ.

[32]Florus IV, 1.

[33]Dio 37, 29.

hoc totum malum de republica tolleretur."[35] This passage, which agrees with his sentiments at the time of the events, is but another argument that the upheaval in 63 B. C. was but the result of the general tendency toward decadence, and not a fabrication of an imaginative consul endeavoring to stir up the populace, as some critics would have us believe.

To resume the narrative:

Of this same period Plutarch writes that Catiline, with his conspirators, was at first subdued and discouraged but soon began to be courageous again. They gathered together, exhorting each other to boldly undertake their plan before Pompey's[36] return, who, with his forces, was reported to be en route to Rome.

One of the important paragraphs in Sallust voices the daily thought of these financially embarrassed citizens, whose constant cry was, "What is left for us but a wretched existence?" Therefore, to them the promise of the repudiation of debts—Tabulae Novae—came as a most welcome salvation.

Sulla's old soldiers were Catiline's chief stimulus to action, however. Though disbanded all through Italy, their greatest number and most aggressive members were scattered among the cities of Etruria, which had been excited to revolt, as well as a great part of Gaul within the Alps. These were dreaming of the riches and plunder to be gotten from the hoarded wealth of Italy. They affiliated with Catiline and came to Rome to aid him with votes at the election of 63 B. C., for he had again presented himself for the consulship, having determined to kill Cicero in the tumult at the elections. Dio,[37] more particular in this instance than Plutarch, says Catiline had a band ready to kill Cicero. Catiline felt he would then be elected if Cicero were killed.

It was during the conduct[38] of this election of 63 B. C. for 62 B. C. that a charge was to be made upon Cicero, who as chief official would preside over the election. The plot[39] did not turn out successfully. Cicero had gained some inkling of the threats against his life and came surrounded and escorted by men from Reate; he wore as an additional protection a steel corselet which the style of wearing his gown permitted to be seen. John[40] is angered at Cicero for that trick, but Cicero was enraged against Catiline's party and we may suppose considered his life in danger, although he realized the corselet would not entirely cover him, for he thought Catiline would aim not for his chest[41] but rather for his head. Cicero's intention was that all honorable men might see the armor and so, as they actually did, rush to his aid. "His tum rebus commotus, et quod homines iam tum conjuratos cum gladiis

[34]Pro Mur. c. 38.

[35]De Offic. 2, 84 in Nov. 44 B. C.

[36]Sall. Cat. XXVII, Plut. Cic. c. 11.

in campum deduci a Catilina sciebam, descendi in campum cum firmissimo praesidio . . . lata lorica . . . Catilinam non latus . . . sed caput . . . petere . . . omnes boni animadverterent . . . in metu et periculo consulem viderent . . . ad opem concurrerent." And yet there are some[42] who agree he did it to cause calumny against Catiline and his partisans.

The sight[43] of this breastplate, and a rumor of an attempt against Cicero's life being circulated, caused the populace to become furiously angry and Catiline's associates through fear became quiescent.

[37]Dio, 37, 29.

[38]Sall. Cat. XXVI. The date of this particular election was long a subject of controversy.

[39]Sall. Cat. XXVI, Cic. Pro Mur. c. 26, Pro Sull. Sec. 51; see also c. XII of this thesis.

[40]Constantin John accuses Cicero of acting on the emotions of the populace to magnify peril.

[41]Pro Mur. c. 26.

[42]Dio 37, 29.

[43]Plut. Cic. adds that future trouble seemed foreshadowed by the divine powers in earthquakes, thunderbolts, and unwonted appearances. v. Livy 22 for Prodigia.

XV

The chronology of the Catilinarian history still bears much investigation, demanding a keen handling of tradition. There is a question as to the time of the consular election of 63 B. C. In the speech in defence of Murena we get more about the election than perhaps in any other text.

The date of the annual election was not a settled matter; the consuls had some freedom in the choice of day; they were not dependent upon a stated day; their judgment without the consent of the senate could decide the day.[1] The usual season was late July or early August, for no courts were held during these months.

Constantin John with his follower Heitland is of the opinion that the election of 63 B. C. took place in July or August, the usual season, and not later in the year, but do not events prove that theory unstable? Mommsen[2] holds that the election was held November 4th.

In endeavoring to approximate the date of the consular election of 63 B. C. for 62 B. C., use will be made almost exclusively of Cicero's speech in defence of Murena. For this reason the arguments will consist mainly of transcriptions from that speech of those passages which to my mind seem to contain hints on which I base my theory that the elec-

[1]Pro Mur. In Verr.

[2]Monograph 1901.

tion was held later in the year. I may have read and understood incorrectly; my angle of vision may not have afforded the proper perspective, but the following are my conceptions of the subject, gained from my viewpoint.

In the course of his defence,[3] Cicero reminds the jury of their own apprehensions, and those of all good men, lest Catiline become consul at that time, when there became public some of the utterances which Catiline was reported to have made at an assembly at his own house, which caused his ambitions to become definitely known. Therefore when the rumors of that seditious speech were rife, the consul requested the men of the jury to recollect that a resolution[4] of the senate was passed, on his motion,[5] that the Comitia should not be held the following day, in order that the senate might discuss those very matters in the senate, and deliberate upon these, the most important recent developments, in Catiline's enterprise. Accordingly, the next day was assembled a full meeting of the senate, at which Catiline himself appeared, much to the surprise and consternation of Cicero, and then Cicero delivered his famous 1st Catilinarian.[6]

Evidently there had yet been no election up to the time Catiline addressed his confrères. Also history generally agrees that the senatorial meeting was held and Cicero's first invective was delivered, on Nov. 8, 63 B. C., and since Cicero had moved that the Comitia should not be held as had been stated, we must perforce believe the election came later, and could not have been even as early as Nov. 8, leaving out of the argument entirely the question of the usual July or August season.

At the close of Cicero's harangue, which consisted of demands for explanation of reports of misdeeds, of a presentation of personal knowledge of misdemeanors up to date, and of a scathing denunciation of a disloyal citizen of Rome, Catiline, not accustomed to disguising his intentions, did not attempt to vindicate[7] himself and disavow the accusations but rather boldly embraced and accepted them by responding to the consul in a most fiery declaration of his intentions. After this, he rushed triumphantly forth from the senate house.

When the citizens finally realized the intensity of Catiline's hopes and desires they were eager to repel[9] that pest from the state and immediately joined the party of Murena, since Sulpicius had, apparently, abandoned a canvass for a consulship, for a prosecutor's pursuit of proof against a bribe giver. If the number of voters for Murena was increased because of Catiline's avowal of purpose on Nov. 8th, the idea is conveyed that

[3]Pro Mur. c. 24, 25, Sall. Cat. XX, Cat. I.

[4]Pro Mur. c. 25.

[5]Dio 37-29 says senate did not vote—is not clear.

[6]Pro Mur. c. 25, Cat. I. v. Fischer, Zeittafeln.

[7]Pro Mur. c. 25.

the election had not yet been held on that day. The quotation following will again be used in proof of another point; it may also be inserted here. "Itaque cum te, Servi, remissiorem in petendo putarent, Catilinam et spe et cupiditate inflammatum viderent, omnes, qui ab re publica pestem illam depellere cupiebant, ad Murenam se statim contulerunt."[10]

The sentence following, taken in conjunction with the foregoing one, bears additional evidence both of the urgency and stress of the period and the establishment of the date. "In the consular comitia the sudden inclination of men's feelings is often of great weight," especially as in this case. "Magna est autem comitiis consularibus repentina voluntatum inclinatio"[11] . . . Men's feelings and attitudes were inclined by the realization that Catiline was inflamed with an evil thought to subvert the government as is witnessed by his speech on November 8th in the senate; so the election was not yet an event by that date. An anti-John paragraph is Pro Mur. Sec. 89. Cicero's own addition to the law[12] against bribery (exile for 10 years) would exile Murena. This would fell John's idea—a few days before, not months. "Subitam spem"[13] of Catiline was of great help to Murena. Cicero had said on November 20th that Catiline had no hope[14] to be elected and yet refers to second repulsa so that the election could not have been in July nor August, as John thinks.

Cicero does not regard it strange nor wonderful that this sudden hope which Catiline entertains of obtaining the consulship should be a great aid to Murena.

Election day was surely after Catiline's explosive threats and his rush[15] from the Senate House; certainly scheduled later than the date on which the senate convened, following Catiline's exhortation of his confederates.

In establishing an approximate date for the election we gain ground on which to base approximately a calculation of the date for the trial of Murena, a consul chosen at that election and charged with electoral bribery. The one hinges to a great degree on the other; prosecutions of Ambitus usually followed shortly after elections, and Murena was tried toward the close of the year.

A less convincing argument because of the elasticity of meaning assigned the adverb "now" may be found in the sen-

[8]Pro Mur. c. 25, Cat. I.

[9]Pro Mur. c. 26.

[10]Pro Mur. c. 26.

[11]Pro Mur. c. 26.

[12]Lex Tullia.

[13]Pro Mur. Sec. 52-3, Murena's election due to Catiline's sudden hope of gaining the consulship, just as in Cicero's case (64 B. C.) it had been due to the people's fear of Catiline.

[14]Pro Mur. Sec. 53.

[15]Pro Mur. Sec. 52, v. also ch. on Murena.

tence with which Cicero addresses the judges, in bringing out Murena's superior advantages over Sulpicius in his candidature for consulship; in it he remarks he can mention publicly "now that the election is over"[16] matters pertaining to a candidate's attention to his canvass which he had often remarked privately to Sulpicius, "before the affair was decided."

[16]Pro Mur. Sec. 43.

There are many puzzling factors in connection with the establishment of the date of the election. If the election was held in July or August, as is contended by some, why was it so late in the year before Catiline was prosecuted by A. Paullus[17] under the Lex Plautia de vi for intention to assault Cicero at that particular election? Indictments were not usually so long delayed after an offense had been committed. That he will not offer any defense to the charge Catiline signifies in his letter sent to L. Catulus when he had presumably gone into voluntary exile but in reality had gone to Manlius after the first Catilinarian had been delivered.

Herewith follows the gist of Catiline's speech,[18] which caused good men to fear and finally awakened such apprehension in the senate. No faithful defender of miserable citizens could be found unless he were himself wretched. Men embarrassed and in desperate need should not trust the promises of men fortunate and prosperous; therefore, all who desired restitution of fortunes spent were wise to consider Catiline's position as debtor and his possibilities in daring enterprises, for only a fearless man and one wholly destitute could be the leader and advocate of men in despair.

It is plainly seen that he regarded the consulate only as a step toward gaining his supreme ambition, i. e. to be a second Sulla.

His convincing manner and persuasive speech inflamed his hearers to enter into any project of their chief. Although he had often discussed his aims with them individually, his generalship demanded a union of purpose. He therefore had retired to a private apartment in his own home to address them. Do we wonder the citizens were willing to overlook a minor offense—if Murena had committed one—in order to guard against the most "important and glorious enterprise"[19] in which Catiline now professed himself about to engage? The question of the election is a matter of controversy. If the election was held in the earlier season—July or August—why did Sulpicius with Cato wait until so late in the year—probably late November, judged from internal evidence—to prosecute Murena for Ambitus when the time was drawing so near for him to assume the dignity of the supreme honor?

[17]v. Sihler Cic. of Arp. p. 144 n. 4, p. 145 n. 2.

[18]Sall. Cat. XX.

[19]Sal. Cat. XIX, XX.

in the speech for the defence of Murena, Cicero says his own ship is nearing port and he desires[20] as satisfactory an earnest as possible that the succeeding year will have efficient officers. It was not lack of evidence that caused the postponement of the prosecution, for in the trial one of the faults which Cicero censures is the constant search of Sulpicious for evidence toward prosecutions in place of attending to the winning of votes.

The election in all probability was held between the dates of November 8th, when Catiline, after having acquainted the public with his real designs and having recognized their true measure of num, rushed from the assembly, and December 3rd. when the Allobroges figured so prominently. For by the latter date Murena had already been on trial, as we shall see in a section following later, and the election perforce preceded it, since he was charged with electioneering on a financial basis. I think that after Catiline's departure during the night of the 8th the excitement over the coming election waned and that it was so quiet an affair compared with events immediately preceding that it passed off without any commotion and no reason to have particular stress laid upon the date of its happening. It came somewhere between November 8th and December 3rd, minus a suitable interval of time for a prosecution. We draw it to still a narrower limit of time if we choose the November 20th date, from which plausible inferences may be drawn as the one margin and December 3rd the other. Then election and prosecution must have followed fast upon each other's heels.

It certainly was not in the summer. Could it even have been, as Mommsen believes, November 4th, quite before Catiline's purpose, unvarnished and naked, was declared by himself, although this is nearer the probable time?

At this election defeat was again Catiline's lot. Silanus and Murena were chosen for 62 B. C.

[20]Pro Mur. Sec. 80. Also c. 2, 37.

XVI

At this juncture, the trial of Murena may properly be introduced as of weight in proving the gigantic proportions which the conspiracy had assumed. In this Catiline figures to a large extent.

At the consular elections in 63 B. C. for 62 B. C. Decimus Junius Silanus and Lucius Licinius Murena, who figured little in social life, were elected consuls, as has been noted. The defeated candidates were Lucius Sergius Catilina and, unfortunately, Servius Sulpicius Rufus, a man qualified ideally, and

the ablest[1] jurist at the Roman bar. Of Catiline we have heard and shall hear further.

Sulpicius charged Murena with bribery. Marcus Cato with others signed the indictment. The lawyers for the defence were Hortensius, Crassus, and Cicero.

The trial was held in November, probably the latter part, when Catiline was already carrying on his operations against the republic. It is programmed between the first two and the last two of the Catilinarian orations of Cicero. The Murena is one of the most important orations historically; showing Cicero's splendid ability, it has a value for matters historical and antiquarian; gives an insight into Stoic philosophy; and in lighter vein, reveals the depth of a jurist's erudition.

This speech in behalf of Murena discloses the fact that the jury in this trial overlooked the detail that Murena had put money into his pocket during his canvass, and presents the Catilinarian matter in a very strong light. ". . . ne consul Catilina fieret."[2]

Denying the assertions of all of Cicero's detractors, should we not rather, then, take that view of the situation which the jury at that trial took? They considered it most important to keep two consuls and the government as it was. If Murena were thrown out,[3] Silanus would have been compelled to hold an election about January, or rule alone.

He is called "consul suffectus" who has to be chosen to supplant[4] another. "Unus erit consul . . . non in administrando bello, sed in sufficiendo collega occupatus."

There would then have ensued new possibilities of confusion and would have but postponed the evil for a future day.[5] ". . . de manibus nostris in eum annum qui consequitur." Therefore the jury was blind to Murena's former act of Ambitus.

Catiline's plans, too, would be furthered by the presence of only one consul, for it would be easier to overcome a state handicapped in such respect; it would mean the weakening of the stronger element in tribunician power also, and there is an implacate that the other tribune[6] for the coming year was not without fault, and Cato, the upright, was to be the balance wheel.

Catiline was fearless;[7] and that Cicero and the Roman people ascribed much power to him is demonstrated frequently. "Lest he should become consul" pulsates with their throbs of anxiety as to the ill use he would make of an official authority entrusted to him.

His bold entrance[8] into the meeting of the senate, the very body whose wholesale assassination is included in his program, is another evidence of his bold fearlessness. His evil projects were already rumored abroad, yet he came. His

[1]Justinian Digest 1. 2. 43. Plut. Cat. Min. 21, Drumann V.

speech," too, in boldly defining his position as head of a strong but leaderless body of the republic shows his profound disregard for all laws of state or man.

The argument by which the case was won was the general condition of the times. Cicero, as one of the defence, speaks little about the charge of ambitus. Cicero does not say Murena did not pay for voters but it is psychologically plausible that since people liked games and Murena, as praetor, had held good shows, that he had the good will of the people thereby. and they liked the person furnishing the entertainment. ". . . praetura grata in munere."[10]

All the leading men in Rome knew that were Murena found guilty, there would be but one consul, Silanus; and because great issues were ahead, since Catiline was in the field, it was considered all important by the jury that there should be two consuls, and not one, on January 1st, 62 B. C. "Magni interest . . . esse Kalendis Januariis in re publica duos consules."[11] One consul would be required in the city conducting home affairs, and the other one would probably be called to command the army against the insurgent forces, for Roman consuls are nominally commanders of the army.

This whole question of the complete apprehension of the Catilinarian faction was projected[12] into the consulship succeeding, for no one had intimation that such decisive evidence would be produced ere Cicero's administration closed, for the seizure of the conspirators and the incident at the Mulvian[13] Bridge had not yet eventuated, or such anxiety had not existed in the consul's mind, but he is urgent that a state as well fortified as possible be handed over to his successors. ". . . rem publicam cupio tradere incolumem ab his tantis periculis defendendam."[14]

It was this remissness[15] of Servius Sulpicius in his candidacy, who threatened prosecutions instead of zealously winning adherents, and the frenzy of Catiline in his canvass which caused citizens to lean toward Murena, the only other candidate of the four, possible of election, for there had been no question in regard to Silanus. ". . . te . . . remissiorem in petendo putarent, Catilinam et spe et cupiditate inflammatum . . . omnes ad Murenam se statim contulerunt."[16]

[2]Pro Mur. c. 24.
[3]Pro Mur. c. 38, 39.
[4]Pro Mur. c. 39.
[5]Pro Mur. Sec. 85, Cat. I, Sec. 31.
[6]Pro Mur. Secs. 81-2.
[7]Pro Mur. Sec. 48.
[8]Cat. I.
[9]Pro Mur. Sec. 51.
[10]Pro Mur. c. 26.
[11]Pro Mur. c. 2, and Secs. 79, 80.

Therefore can Mommsen, and Drumann, and John, and that whole school of later enemies of Cicero, those who belittle the Catilinarian dangers, justly affirm that Cicero did all for his own glory and that he merely exaggerated the whole thing?

The Pro Murena is one of the most brilliant speeches; in it Cicero ridicules dry, civil law. It is important on the subject of Ambitus; contains data of the Catilinarian proposals, including the expression of Catiline's sentiments before his second *repulsa*. It comes between the second (Nov. 9th) and third Catiline orations, after Catiline had left and before the testimony of the Allobroges (Dec. 3rd). There are intimations in Pro Murena that plots were still unhatched.

The question of the time of Murena's trial is a debateable one. Lange[17] thinks it was held only a few days after the nones of December. Sihler is against that theory. The argumentum to the oration cites November.

We may infer that the case was probably called in late November, 63 B. C., and that not enough decisive evidence of Catiline's plans were yet produced at the time of the trial, from Cicero's statement, which fits well with such conclusion. "Sed moneo iudices: in exitu iam est meus consulatus."[18]

Couple with those words the knowledge that on December 3rd satisfactory proof and convincing witnesses were available; therefore we feel sure the trial speech was held before December 3rd. We are positive it was before December 10th, for tribunes took office December 10th, three weeks before consuls—and after his election each official was termed "designatus" until he assumed his office; in addressing Cato, Cicero speaks of Metellus, the colleague-elect, who is to share the tribunician power with Cato for the year 62 B. C., as "designati tribuni, colleagae tui."[19]

Pointing conclusively to the fact that the case of Murena was spoken before the Mulvian Bridge event are Cicero's historical words, wonderfully descriptive of the elements of sedition within the city. "Intus, intus, inquam, est equus Trojanus!"[20] A truly great passage! The conspirators are not yet apprehended and the documents are not yet in his hands. He is still nervous about the outcome; Lentulus, Gabinius, and others are known by Cicero, through Fulvia, to belong to that circle, but no convicting evidence has he to bring before a

[12]Pro Mur. Secs. 80, 85.

[13]Cat. III. Basis for a date, contrary to Lange's supposition; after the nones of Dec. all the proof was in.

[14]Pro Mur. c. 37.

[15]Pro Mur. c. 24, 25, 26.

[16]Election day matter after Catiline's rush from senate house. Pro Mur. c. 25 26, v. also XV of this thesis.

[17]L. Lange. E. G. Sihler, Cic. of Arp. p. 154.

[18]Pro Mur. c. 37.

court. But after the examination of the Allobroges, the fellows in the Trojan horse were brought out.[21]

How can any one argue that the speech came after the nones of December (5th) after the garroting, after the receipt of the documents, which at the time of the trial were clearly not yet in possession of the vigilant consul, who was constantly on guard to prevent the citizens from being ensnared by those lurking in the Trojan horse. "Audite consulem totos dies atque noctes de re publica cogitantem." ". . . equus Trojanus a quo numquam me consule dormientes opprimemini."[22] How true to his promise was the watchful consul! Could it have been at the time Lange believes?

Are we not fairly justified in the position we maintain that the speech was not held after the nones of December, when the proofs were already in possession of the state? Lange is probably incorrect on this point.

[19]Pro Mur. c. 38.
[20]Pro Mur. c. 37.
[21]Cat. III, IV, Sihler, Cic. of Arp. p. 155.
[22]Pro Mur. c. 37.

XVII

At this point the uninterrupted chain of events breaks.

There were in the city[1] at this time ambassadors[2] of the Allobroges to complain against their Roman governor; for it was customary for all subject states to have patrons at Rome.

Not to confine the plot to the citizens, the deputies of the Allobroges[3] were also invited to join in the conspiracy of which Lentulus,[4] who had the highest[5] rank (praetor) in the conspiracy, was now the recognized head in the city;[6] the object was to cause an insurrection against the Romans in Gaul and so spread it beyond the Alps.[7] The Allobroges, in doubt, consulted with Fabius Sanga, their patron.

We would understand from the Pro Sulla[8] that Cassius also treated with the Allobroges, for we read if Cassius had supposed that there was any danger of their ever giving any information at all, he probably would not have made any confession of himself as implicated in the conspiracy. It was proven that much of it was deliberated upon in his house.[9]

In company[10] with the Allobroges, Lentulus sent to Catiline a man of Croton, Volturcius by name, who was entrusted with letters, unsigned.

According to Appian, Sanga disclosed the communication of the Allobroges to Cicero, who took them and Volturcius captive while they were en route and brought them at once before the senate. Florus briefly states that the envoys were

at once captured by order of Cicero. More likely.

Sallust[11] records that they were captured without resistance at the Mulvian Bridge, being privy to their own arrest; Volturcius, however, was overpowered only after a struggle. Florus relates that the letter was intercepted through the information of Volturcius. He,[12] for his evidence, was granted immunity. Praetors[13] had charge of the night work at the Mulvian Bridge.

To resume Appian's account—the Allobroges in the presence of Lentulus acknowledged their negotiations with him and testified that he had frequently boasted that it was prophesied in the Sibylline[14] verses that three Cornelii were to be rulers in Rome; there had already been two, Cinna and Sulla.

Cicero refers to the Allobroges as those who had given the truest information[15] in the most important matters.

The senate gathered,[16] read the documents and heard the informers—Volturcius and the Allobroges. When the testimony of the Allobroges had been taken and Lentulus had been examined and convicted of sending letters to Catiline, advising him not to overlook the slaves, Lentulus resigned his office.[17]

Not found in Sallust is this—that Silanus stated that some people heard said that Cethegus had asserted that three of consular rank, including Cicero, and four praetors were about to be slain.[18]

Also Piso, the consul of 67 B. C., and Gaius Sulpicius, a praetor, being sent to search the house of Cethegus, found missiles, arms, and darts, newly sharpened.

A word must here be inserted concerning the careful method[19] adopted by Cicero in relation to the testimony of the Allobroges and Volturcius, which shows the thoroughness with which he went about his work. After he had brought the informers before the senate (Dec. 3rd) he appointed senators, men of intelligence, fine memory, rapid in thought and writing, to take down every statement made by the witnesses, every question asked, every answer given. The scribes, whom Cicero names, easily followed whatever was said and had the ability required to write an accurate report, in order that in the future, the recollection of the senate on the subject when still fresh, might be borne out by evidence of public records, as the authority and particulars of the case. This was done to deter any foe of peace and tranquil government to seek pro-

[17]According to App. Bell. Civ. they deprive Lentulus of office. Cat. III, 6 also

[1]App. Bell. Civ. II, 1.
[2]Plut. says 2.
[3]App. Bell. Civ. II, 1, Florus IV, 1.
[4]Pro Sull. c. 5, c. 19, Cat. III, 2.
[5]Dio 37, 29-30, Plut. Cic. 19.
[6]Pro Sull. c. 11.
[7]Florus IV, 1.

tection for himself in a precedent, perverted through incorrect report.

In addition, he did not keep[20] the record made in the senate at private homes, as had been the custom among the ancestors; he had it copied to have no future falsification of facts, and distributed to all the Roman people in Italy, and in the provinces; he wished all to know by what information safety had been bestowed on all. These papers really became official. (Acta Senatus.)[21]

Another reason for distributing the information was that none could accuse the senate of giving credence too rashly; that none should remember or forget only as much as he pleased; that none in perusing Cicero's private journals or questioning him as consul of that year, should accuse him of noting only what he wished; suppressing other information; falsifying, or tampering with, the account.

The Sulla oration is of utmost importance historically and must be read as a necessary accompaniment[22] to Catiline III. There are facts there not found in Catiline III.

This document also gives the exact names of those implicated. "Indices (editicii) ab accusatoribus delecti."

We have reports also in Plutarch and Sallust—all reports do not agree about these men. These were all tried and exiled, or their property confiscated.

This document is later valuable for settled restitution of rights and in the trial of Sulla.[23] In fact the whole case is based on this record with which Cicero took such pains.

This speech (pro Sulla) is one of the richest in the whole Catilinarian matter.

It will be noted that Fulvia divulged the previous secret undertakings of Catiline but that this later development of Lentulus' hatching was made known through the agency of the Allobroges.

The third oration against Catiline is the oration of documentary evidence. There is a lapse of more than three weeks

[8]Pro Sull. c. 13.
[9]Pro Sull. Sec. 39.
[10]App. Bell. Civ. I.
[11]Sall. Cat. c. XLV.
[12]Plut. Cic. 19.
[13]Cat. III, Sall. Cat. XLV.
[14]Flor. IV, 1.
[15]Pro Sull. c. 5.
[16]Plut. Cic. 19.
of citizenship-extraordinary.
[18]Plut. Cic. 19.
[19]Pro. Sull. c. 14, 15.
[20]Pro Sull. c. 15.
[21]Tabulae publicae, the official records, i. e. *Senatus consultum ultimum;* other *caat senatus* remained in the hands of the consuls in office. Halm.
[22]Pro Sull. c. 13, 14, 15, Cat. III.
[23]Pro Sull. c. 14, 15.

between the second and the third oration, which was delivered on the evening of December 5th.[24]

Cicero, meanwhile, had watched constantly and carefully and had finally obtained proof, complete and convicting, against those who were chiefly involved as leaders in Rome. These details of the examination of the malefactors we get from Sallust;[25] and from Cicero's Pro Murena, we also gain knowledge of the subject. Cicero himself had no occasion to make a formal speech on the day of the examination. On the following one,[26] he acquainted the citizens with all the circumstances, including the proofs produced and how gained.

He explained fully the measures of the senate in relation to the conspirators. He informed the people of the progress of investigation and the proceedings up to the date of the meeting. Cicero assured the citizens that the republic was preserved through the consul's efforts; he gave the details of the investigations, and the detection of the conspirators; and the arrest of the Allobrogian envoys. He acquainted the people with the facts concerning the stationing of the praetors as guards at the Mulvian Bridge, to lie in wait for and capture the traitors or their messengers. The people were told that all dispatches seized had been referred intact to the senate by Cicero. He did this—left the seals unbroken—that none might claim any agent of his had forged such letters and documents as had been seized.

Likewise were the citizens informed that Volturcius was state's evidence, and that the envoys from the Allobroges also testified, thus incriminating the conspirators, and finally that Lentulus, Cethegus, Gabinius, and Statilius had all been cross-examined, and had confessed. As material evidences of these crimes, Cicero had had retained the seals, tablets, and letters. Moreover, the confession of each criminal as well as the facial proof of crime while under examination had convicted the several prisoners. The prisoners were now held in custody. Since Catiline is beyond the city and his chief supporters have been captured, Cicero feels sure that Catiline will soon also despair and lose hope.

Nor must the state forget to attribute to the good will of the gods the good fortune that the plot was discovered ere the state was overwhelmed. The gods have shown their favor, since this civil disorder has been settled without bloodshed, while those of other days had not been so peaceably settled. Cicero took great credit to himself for this settlement. Cicero asked no return for his services to the state except the gratitude of his fellow citizens whom he trusted

[24]Cat. III, Plut. Cic. XIX.

[25]Sall. Cat. 46, etc., Pro Mur.

[26]Cat. III, Plut. Cic. XIX.

to protect him from harm, and to whom he pledged to remain worthy of their confidence.

Cicero, who had previously been distinguished for his eloquence,[27] became famous also as a man of action, who had unquestionably saved his country from the clutches of its enemies. Quintus Catulus,[28] the chief of the senatorial body, the great leader of the public council, paid tribute to Cicero's achievements in the fullest possible house, by calling him the "Father of his country." Some think that this appellation,[29] which was later bestowed upon emperors worthy of it, had its inception at the time of Cato's application of it to Cicero. It is only decreed as a testimonial of valuable services rendered. That illustrious man, in the hearing of all the members, said that a civic[30] crown was due Cicero from the republic.

With general acclamation the senate showed its appreciation of Cicero's long watchfulness by a supplication[31] unprecedented, by opening the temples of the gods in his honor; not because he had successfully governed the republic—many had been paid that compliment—but because he had saved it; that was an honor never before conferred, and Cicero, though clad in the garb of peace, was its proud recipient. His feat in crushing Catiline without unsheathing his sword is often alluded to by Cicero ". . . pacis auctori . . ." (the author of peace),[32] also ". . . cedant arma togae . . ."[33] and many such boasts.

On the day, too, when Cicero resigned his office to his successor, the people voiced their congratulations.[34] Cicero had been prevented by the tribune Metellus Nepos from making the customary speech at close of his official year, and was allowed only to take the oath; this Cicero did in an unusual fashion,[35] by swearing that his individual exertions had preserved the city and state. It was then the populace unanimously approved of his words and rendered him great glory and escorted him home in a long train.

Such is the state of affairs at Rome when the prisoners were brought to trial to receive sentence for their crimes. Sallust and Cicero, in the facts previous to the trial scene itself, agree well. Sallust introduces his subject by a more or less personal preface in historical styles; Cicero, his in direct addresses in four divisions, in oratorical style. His tone throughout oration III is a happy one over the successful results[36] of his alert, continual vigilance. He had a personal pride in his politics; his policy was one of prevention of ill and it had called forth all the vigor of the man to maintain it throughout his consulship.

[27]Plut. Cic.

[28]In Piso. c. 3.

[29]Plut. Cic.

[30]A civic crown was awarded for saving the life of a citizen.

Cicero[37] then went to the home of a friend where he was to spend the night, for the Roman women were holding sway in his home in the ritual and mystery, called that of Bona Dea.[38]

It was at the home[39] of the scholar and antiquarian, Publius Nigidius Figulus, that Cicero spent this night following the third Catilinarian,—a night full of reflection as to the course to pursue in punishing these traitors. He wished to apply caution, and to guard against using the extreme and proper penalty suitable for such misdeeds. There were many factors to make him shrink from doing so. He himself was non-aristocratic, while the culprit Lentulus was of the very aristocratic Cornelii family; therefore he hesitated at the application of martial law in his case. Yet if he treated the conspirators too gently, he feared danger from them.

[31]In Piso, c. 3, 29, Cat. III c. 6, Cat. IV c. 10, Sall. Cat. XLVIII.

[32]Ad Fam. VII, 23, to Fadius Gallus—about 55 B. C.,—some place the letter later. Pro. Sull. c. 11, Cat. III c. 1.

[33]In Piso. c. 29, Cat. III c. 10. v. his earlier hope and endeavor Cat. II c. 13.

[34]In Piso. c. 3.

[35]Ad Fam. 5, 2.

[36]Aside from Plut. we are able to use De Div. 19 sqq., De Consulatu suo 60 odd verses on his own consulship, as sources for details of Cicero's civic triumphs.

[37]Plut. Cic. c. 19.

[38]A festival celebrating the function of conception, propagation, and passing on of life. The Vestal Virgins with wife or mother of some high official were hostesses to these thousands of women who took part in the celebration. No male person was allowed to be present or in the house that night; therefore Cicero did not spend the night following the handling of the documents at home for Terentia was hostess, Cicero being the highest official executive. At this festival a large basin of wine was used, called milk on this occasion; there was music and gayety, etc. Plutarch gives many important details about this rite. Plut. Cic. XII-XXIII.

[39]Plut. Cic. XIX is a great chap. on the personal self revelation of Cicero that evening before the 4th Catilinarian—just as reliable as though he had left a diary. Cicero was not an audacious man in public. Plut. Cic. XIX alone has this.

XVIII

On the fifth (Nones) of December, 63 B. C., the senate convened and Cicero delivered the fourth oration against Catiline. He made his speech during the debate concerning the punishment to be inflicted on the conspirators who had been taken prisoners.

At the beginning of this trial Cicero disclaimed any feeling of anxiety for his personal safety and was willing to accept the conditions of his consulship and content to bear all indignities and hardships, providing the public was preserved and danger averted.

Cicero assured the senate of his belief that no man will meet a death undeserving his character or meet death before his allotted time, and urged upon them once again the need to

consider the question of their own welfare, the peril threatening their families and the weal of the state.

Cicero cited as precedents acts in former history, unconstitutional, but not so destructive, which merited and met with the severest punishment. Severe measures were justifiable. It would seem as though the senate had already practically condemned the guilty, inasmuch as it had voted Cicero a thanksgiving and had given the captured ones into custody.

This was the important date in Cicero's career, December 5th, 63 B. C., when was held the trial of those conspiring against the commonwealth which Cicero untiringly toiled to preserve from peril from without and from corruption from within. On this date the revolutionists who had been captured were sentenced to pay the penalty by death; and the decree passed into immediate execution.

The question is which of the two alternatives moved shall be adopted. Shall it be capital punishment or life imprisonment? D. Silanus, the consul-elect, called first, advises the one;[1] Julius Caesar, the other.

There are objections to Caesar's plan,[2] though that would be the simpler proposition for Cicero personally, i. e. life imprisonment. But no penalty can be too severe for the revolutionists, and in commending the opinion of Silanus, Cicero takes the ground that those who plot ruin for the republic are no longer citizens and therefore not legally protected by the Sempronian law which also affirmed the principle that Roman citizens could not be put to death except by decree of the people, to whom appeal could be made after sentence by a magistrate.[3]

All classes of sound thinking people are united in defence of the state, even the slaves and freedmen; therefore the senate should not neglect its duty and the responsibility reposed in it.[4] As for himself, Cicero disclaims any fear for the future because of his relentless actions toward the conspirators. Never shall he regret having sentenced them with the death penalty. His conduct in this trial shall never smite his conscience. He feels he has acted wisely for the good of all, and the only reward he requests is the sincere regard of the citizens and a remembrance of his services for the state.[5] Sallust makes no mention[6] of Cicero's speech and Cicero, of course, omits the motion of Cato,[7] which came later, and which Sallust gives as the influencing factor in decreeing the death penalty. Cato received glory; Cicero, in later years, humiliation, because it was under his regime that the decree was executed.

[1]Suet, Caes. 14, Plut. Cic. 21.

[2]Ad Att. 12, 21, 1; even 18 years later, when Caesar was Dictator, Cicero regards Caesar's motion in 63 B. C. as severe. Plut. Cic. 21 supposed imprisonment of culprits for limited period. Appian inaccurately reports Caesar's motion as "arrest until Catiline is defeated; then they are to be prosecuted."

It is generally agreed by historians that Cicero's speech was not the decisive one. It was short and came before Cato's expression of summary action and execution.[8] Compared with the almost triumphantly cheerful second and third speeches—particularly the third—it is gloomy, bearing in itself the characteristics of depression, the prospect of evil to come, the foreshadowing of future woe. It is a reflection of his anxiety, doubts, and fears of the previous night. But the state must be energetically preserved, whatever of personal ill-fortune befall the consul; that is Cicero's main thought,[9] as we have frequently had evidence; he and Cato were two of the very few ideally patriotic and loyal citizens of Rome of that generation. Until Cato rose to express his opinion the majority of the senate had been swayed by Caesar's logic, i. e. placement of the culprits under surveillance in the municipalities, and confiscation of their property. It is to be noted that the discussion lay to the greater extent between Caesar and Cato, for Silanus after advocating capital punishment had later hedged more or less in his proposal.

Cato's motion prevailed, and the chief conspirators in the city were executed in the Tullianum.[10] Even then, although accomplished with the sanction of the senate, the weight of responsibility which fell upon Cicero's shoulders oppresses his thoughts and presages some impending misfortune.

[3]Cat. IV, 4, 5, 6, 7, 8,

[4]Cat. IV, 9.

[5]Cat. IV, 10, 11.

[6]Sall. Cat. LII

[7]v. also Ad Att. 12, 21, cf. Plut. Cat. Min. 22, Appian II, 6 reports Nero's motion "To keep in arrest until Catiline is driven out of Italy by battle."

[8]Plut. Cat. Min. 23 records the speech of Cato taken down by clerks appointed by Cicero.

[9]Pro Mur. c. 37. In the Pro Sull., Cicero is compelled to review his activities in the premise.

[10]Pro Sull. c. 11.

XIX

Soon after, early in January, 62 B. C., the leader of all this discontented rabble, a unique character, fighting to the last with a tremendous courage worthy of a more heroic endeavor, fell on the field at Pistoria, where he and those remaining of his dauntless, bold coterie had engagement with Petreius, who led the Roman forces, although Antonius was nominally commander. He is reported to have been ill that day of battle. Catiline's head was sent to Rome. Thus fell a man of splendid attainments,[1] physically and mentally, who appeared throughout his whole career to have been dominated by vice and crime, whose nefarious deeds in official and non-official positions had finally fired him with a reckless zeal

which led him to attempt the committal of the most dastardly crime of men—the overthrow of his own commonwealth.

In the consulship of Silanus and Murena, 62 B. C., after Catiline's death, there followed prosecutions of others said to have been members of the conspiracy. These court cases would not have been possible if Catiline had not been killed. Among those involved were Autronius[2] and Sulla; the latter later became Cicero's client. These trials took some time; Sec. 83 shows there were many cases before Sulla's was programmed.

Autronius, as has been said in a preceding section, had allotted to him the occupation of Italy when everything was being arranged, prepared and settled. He was accused by the Allobroges,[3] whose testimony was most authentic and important, and likewise by the letters of many men and many private witnesses. He was left in the city but expected out of it; his only check at flight seems to have been the punishment of Lentulus (December 5th, 63 B. C.). Of him Cicero says that he sometimes succumbed to emotions of fear but never to any of proper feelings or good sense. Most all of the men proven to have been in the undertaking were convicted[4] by their own manner of life, before the suspicion of good citizens fastened upon them.

Autronius had always been bold, profligate, and reckless; he had been known to be violent toward his accusers and to defend himself by his pugilistic method and by a vulgar language. He had also been charged with usurping men's properties and doing away with his neighbors. Desecration of the temples of the allies was not unknown to his hands; plunder, violation of courts, adultery, hostility toward all good men and the interest of the state, were all numbered among his qualifications as a capable applicant for membership in that circle of evil doers. Crassus[5] did not escape suspicion of being concerned in the great conspiracy of Catiline which very nearly subverted the government. One witness declared him a plotter but nobody credited this testimony.

Cicero clearly charges both Crassus and Caesar with implication[6] in the plot. Crassus seems to have mitigated his co-operation in the plot to some extent for he came to Cicero by night and brought a letter[7] concerning Catiline stating the details of the conspiracy. Crassus hated him ever after that but his son's[8] influence hindered him from doing Cicero any public injury.

[1]Sall. Cat. XX-XXIV, Pro Caelio, Cat. I-IV.

[2]Pro Sull. Secs. 10, 15, 16, 17, 18, 37, 66, 67, 68, 83.

[3]Pro Sull. c. 5.

[4]Pro Sull. c. 25, yr. 62 B. C.

[5]Plut. Crass.

Plutarch informs us that Caesar found so many insinuations[9] and charges against him in the senate that he went to the people and endeavored to excite the more corrupt and dissolute of the elements of the state in order to form a body for his own support, but Cato, apprehensive of the results, induced the senate to distribute corn among the poor classes, and thus win them over. This act of liberality, without question, prevented that threatening danger.

But Metellus began to hold riotous assemblies and prepared a motion that Pompey should be called into Italy with his forces, to preserve the city from peril of Catiline's conspiracy. That was only a plausible pretense; the real purpose was to resign all matters into Pompey's jurisdiction, subject to his absolute command.

The two men who turned state's evidence at the trial of the conspirators were Curius and Vettius, who named Caesar also.[10] The conservatives wanted to get rid of Caesar; they knew that he was a mighty man; therefore his enemies would gladly have had him in the list if they could have.

Caesar[11] and Crassus were a problem—their real moves were one of those things that did not come out.

In connection with this narrative let us read in Suetonius. He gives some incidents in Caesar's career subsequent to the trial, which had their origin in the conspiracy. Substantially, they bear witness that some time after the trial and condemnation of the conspirators, Caesar was named as having been among the accomplices of Catiline, both before Novius Niger, the quaestor, by the informer L. Vettius; and also in the senate by Q. Curius, to whom a reward had been voted because he had first discovered the designs of the conspirators.

Curius claimed that he had his information against Caesar from Catiline. Vettius, indeed, pledged himself able to produce as evidence against Caesar, papers, in Caesar's handwriting, which Caesar had given Catiline.

Caesar rebelled against these accusations and appealed to Cicero himself, if he had not of his own free will made known to Cicero some particulars of the conspiracy. Caesar, through his appeal, accomplished it that Curius was prevented from receiving the expected reward. As for Vettius, Caesar obliged him to give pledges to answer for his conduct; he deprived him of his possessions; he saw him harshly abused and almost

[6]Plut. Crass. 13. Cicero did not publish his speech until they were both dead. Sall. Cat. XLVIII, XLIX.

[7]In tog. cand. 74, Plut. Crass. 13.

[8]Publius Crassus, the younger, was a great lover of learning and eloquence; he attended Cicero constantly, to such an extent that he adopted mourning when Cicero was accused through the machinations of Clodius, and persuaded his companions to do likewise. He did finally reconcile Cicero to his father. Plut. Crass.

[9]Plut. Cato.

[10]Suet. Vit. J. Caes. I, 17. v. also c. 12 of this thesis. In tog. cand. 74.

torn to pieces in an assembly of the people at the Rostra; lastly, he threw Vettius into prison.

Imprisonment was the fate of Novius Niger, also, the presiding judge, for having audaciously listened to information against a magistrate of superior[12] office.

The very fact that Cicero, who laid bare the Catilinarian designs, took the case of Sulla, chiefly prosecuted by Torquatus, shows prima facie that he is convinced of Sulla's innocence, although Torquatus[13] assumes Cicero should not have done so. He used his prestige (auctoritas) by taking this case though not to throw weight into the case. He believes Sulla free from guilt of the charge. This was Cicero's last battle[14] at the bar in connection with any Catilinarian association; joint pleader with him was Hortensius; this is one evidence of his eminence among prominent men.

The Pro Sulla has its importance as furnishing an epilogue[15] to the Catilinarian episode, in detailing which many references have been made to the aforesaid oration, for in this speech Cicero ran through the earlier months of the year 62 B. C.

That the courts were full is evidenced by the special appointment by the senate of a quaesitor, who was usually some able or competent aedile, next in grade, and who was to preside at these overflow court proceedings. This prosecution was a state trial, in cases of which the government did not choose jurors but allowed the prosecution to do so; the defense, however, had a right to reject a certain number. Rome had no public prosecutor; any worthy lawyer could present charges, and with him some others subscribed. Torquatus and his colleague Cotta indicted and convicted, in 66 B. C., Autronius Paetus and Cornelius Sulla as consuls designati for 65 B. C.

The case of Autronius[16] was over, as were the trials[17] of all other suspected conspirators; the essential evidence had found him guilty of partisanship in the conspiracy and he had gone into exile. He is introduced[18] often in the Pro Sulla as a foil to contrast Sulla's excellent traits with the heinous characteristics of Autronius.

[11]Suet. Vit. J. Caes. 9, Plut. Crass., Plut. Cato, Quintilian.

[12]Caesar was at that time praetor. Suet. Vit. J. Caes. c. 17.

[13]Son of consul of 65 B. C. Interesting to note that one of the subscriptors to the charge of Torquatus was son of that man C. Cornelius, who with Vargunteius was to slay Cicero in 63 B. C. Pro Sull. c. 18. v. too Cat. I c. 4, Sall. Cat. XXVII, XXVIII.

[14]cf. Lange also. Pro Cael. brings in association but not in the conspiracy.

[15]Pro Sull., Liv. c 1, Sall. Cat. XVII, Flor. IV, 1, Dio 36, 44.

[16]Tried in Jan. or Feb. Pro Sull. In 66 B. C. had been charged with Ambitus.

[17]Pro Sull. c. 5, c. 30.

[18]Pro Sull. Secs. 10, 15, 16, 17, 18, 37, 66. Sulla's case perhaps held in late Feb. or early March. Not only did Cicero refuse to defend Autronius (Secs. 17-18), he even came forward as a witness against him. He considered his honor at stake if he defended one so intrinsically inculpated in the conspiracy. "Autronius kept coming and asking me to take the case." c. 6.

XX

Among the members of the decadent[1] Roman society was the majority of the family of the Claudii—but of the very acme of the dregs of the society of that day were P. Clodius[2] Pulcher, and his sister Clodia. A full dose of the malignant ill-will of this Clodius, was the most bitter medicine[3] Cicero ever had to swallow in his life.

P. Clodius Pulcher, actuated by motives of hatred against Cicero, who had always denounced him for his unseemly[4] life, renounced his patrician rank and had himself adopted as a plebeian that he might become a tribune of the people (tribunus plebis), which office an aristocrat could not hold. In that capacity, he passed a law that any one putting to death a Roman citizen, without trial, should be banished. The law was aimed at Cicero, although he had had the authority of the senate to execute those whom he considered no longer citizens, but traitors. The *invidia* and penalty, however, came to Cicero, as consul and executive in that year.

Exile now threatened the "Saviour of his Country." Caesar and Pompey were suspected of aiding this persecution because of Cicero's refusal[5] to agree to some of their wishes.

Within two years, in 57 B. C., he was recalled[6] to his native land, for which he had suffered so much hostility and envy, chiefly by Pompey's now bolder though late efforts and persuasion, and through the untiring exertions of Titus Annius Milo,[7] a tribune, who also argued in Cicero's favor, backed by the desire of all Italy and the decree of the senate, and to their great joy.

His banishment had caused great regret; his return, greater joy. His house, demolished by Clodius, was rebuilt at the expense of the state.

[1]Plut. Cic. 20, Vell. II, 4, 5, Livy CIV.

[2]Clodius—plebeian spelling.

[3]Ad Att., Plut., Pro Cael., De Domo, Cat. IV Sec. 20.

[4]v. also Cat. on trial for African extortion, In tog. cand., Bona Dea episode, and Cic. Pro Cael.

[5]Vell. II, 4, 5, Cic. refused to be 1 of 20 commissioners to divide lands of Campagna, v. De leg. agrar.

[6]Ad Att., Livy CIV, In Piso. c. 15.

[7]Pro Milone.

XXI

A few facts regarding the chief authors, aside from Cicero, whose works have been consulted, to supplement or review his versions.

A very brief comparison will be included. In reading the accounts of the various historians, the personal element in their writing must not be depreciated.

Sallust, a former debauched aristocrat, was a Caesarian; he was made by Caesar both as a politican and as a rich man. When he abandoned public life he was very wealthy.[1] It was then he began to write history. He had no motive but truth telling in giving his account of any achievements of Cicero in the Catilinarian matter. Caesar's questionable[2] acts he does not mention, or else glosses over. Compared with Dio, who is hostile in attitude, Sallust is gentle in his opinion toward Cicero. His purpose can hardly be called a "white-washing"[3] of Caesar. If he wrote with any such intention why does he at times praise Cicero; not effusively nor frequently, but if he were a Cicero hater, why at all? Surely we can ascribe a higher motive. His faults in the monograph are not in judgment. He displays an impartiality toward all classes. Although not a partisan of the Optimates, he is as fair toward Caesar's opponents as toward Caesar. He lauds Cato, one of Caesar's most bitter enemies, with the same sincerity as he does Caesar.

All critics agree Sallust is loose in chronology,[4]—at least one year ahead. Sallust was a senator who could have had access to all records; so if he had been inclined toward research, he could have been most exact. Specific facts in history, names, figures, and dates, are important only if based on careful research. Sallust, however, was so brilliant that he appealed strongly to the school people. He is inaccurate sometimes in slipping in facts; schedules them previous to their occurrence, anticipating events; or else later;[5] or appropriates passages directly, but inserts them incorrectly,[6] although in P. I. of ch. XVIII, he informs his readers that he will give as accurate an account as possible of the conspiracy. Sallust puts into the mouths of his speakers brilliant speeches such as he might have composed. He omits evidence to support general charges against Catiline in his relationship to some of his companions; if he had facts he should have stated them; if none, as we may assume, he was then simply careless about the truth of his statements, and regarded only the rhetorical effect.

Suetonius, whose chief composition is the Vitae Caesarum, was a scholar writing under Hadrian. He was not in politics. In comparing the statements of Suetonius and Sallust in reference to the same matters pertaining to Julius Caesar's actions, more reliance may be placed upon the accuracy of the words of Suetonius, because Sallust was a beneficiary of the great Julius. Suetonius, writing from 100-150 years later than the events happened, presents his views of all those concerned, impartially and with judgment. He records items Sallust, intentionally or otherwise, omits.[7]

[1]To witness: his Horti Sallustiani.

[2]Suet. Vit. Caes. J. Caes. I, co-operation with Autronius.

Dio Cassius, a Roman senator of eastern extraction, who wrote in Greek, clearly largely follows Livy. He wrote a life of Caesar and of Cicero; but is not always fair to Cicero and very often bitter in his expressions; he imputes Cicero's support of Pompey to his desire to have Pompey and his friends later show him favor.

Livy, much like Scott, writes in the vein of the historical novel. It is the loss of all students of classical research that all of Livy has not been preserved, or else we should have most authentic history.

Without the De Petitione Consulatus of Quintus Cicero and the version of Asconius of the In toga candida, many sidelights on the lives of Catiline and Antonius, previous to their closer contacts with Cicero, would not be ours.

Appian's account is the most unimportant of all these; he did not have a sense of limitation; he inserts some sensational data of his own; the ancients often invented speeches to fit the character, environment, and circumstances of the subjects who were the topics of their composition.

Plutarch gives full and graphic history of all the main characters involved.

[3]As Mommsen and others believe.

[4]Cf. C. John: Sall. ueber Cat. Candidatur im J. 688, Rh. Mus. 1871, on Sallust's inaccuracies in time; he is concerned only with the story.

[5]Sall. Cat. c. XXXI, 4, ". . . ipse lege . . .", XXXII, cf. Sall. Cat. XXI with In tog. cand. ". . . inquilinus . . ." of Aug. 64.

[6]Pro Mur. Sec. 49 ". . . Vultus . . ." Sec. 51 ". . . duo corpora . . ." Sec. 51 ". . . erupit . . ." Sall. Cat. XV.

[7]Suet. Vit. Caes. J. Caes. I—Autronius matter of 66-65 B. C.

XXII

To summarize—An attempt has been made to read closely and elicit such facts in connection with the history of the tradition of Catiline as are not generally used, gathering data from contemporary historians, writers, and orators, whose speeches were published, or from private letters where the touches are most intimate and self revealing. Reports, also, of later authors, who had recourse to the original literary productions, which now have been entirely or partially lost, or who were eligible to search through records, not accessible to the general public, furnish many facts on which definite assertions may be based, or which may be a foundation for establishing a closer approximation to the truth of doubtful points.

Some questions, because of lack of internal evidence or lack of sufficiently strong light being brought to bear upon them, must remain clouded; some later development may draw them forth from out of their obscurity.

The season of the year, even if not the exact date of the event, which has been a matter of discussion, has been to some extent established in the case of both the election of 63 B. C., and the trial of Murena.

No attempt has been made to treat of the literary form of any one of the writers. Only Sallust and Suetonius, the Latin historians, have been briefly compared; the other Latin historians are either lost to some extent or brief, and the other writers[1] not so universally renowned. Could we have all of Livy, who, probably through Tiro, took much from Cicero's own works, judging by the traces, we would have a rock upon which to build. Dio, who bases upon Livy, so often injects his own motives into his narration, or omits essentials, as the mood seems to capture him, that cautious steps are necessary in following him.

Plutarch gives us many personal, exceedingly familiar, and graphic touches that we can affirm, almost without hesitation, that he probably read intensively in Tiro's biography, at least in the main. While Suetonius is most careful, and exact in research, the minute, detailed facts of personal history in Plutarch would point to Tiro.[2]

[1]Their facts are most authentic because contemporaneous and not designed for the public, but private memoranda, as Quintus Cicero in De Petitione; or because later and impartial as witness Asconius in In Toga Candida.

[2]Gudemann—Plut. Sources of Cic. Life—thinks otherwise; that Plutarch followed Suetonius.

XXIII

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